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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 314

DATE: Monday, May 27, 1991

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249



FARR
ASSOCIATES &
REPORTING INC.

(416) 482-3277

2300 Yonge St., Suite 709, Toronto, Canada M4P 1E4

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable
Jim Bradley, Minister of the Environment,
requiring the Environmental Assessment
Board to hold a hearing with respect to a
Class Environmental Assessment (No.
NR-AA-30) of an undertaking by the Ministry
of Natural Resources for the activity of
Timber Management on Crown Lands in
Ontario.

Hearing held at the Inn of the Woods Hotel,
470 First Avenue South, Kenora, Ontario,
on Monday, May 27th, 1991, commencing at
1:30 p.m.

VOLUME 314

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member



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MR. C. BRUNETTA

NORTHWESTERN ONTARIO
TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

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<u>RON SIMMONS,</u>	
<u>ROY CARPENTER,</u>	
<u>CHIEF WILLIE WILSON,</u>	
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I N D E X O F E X H I B I T S

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1858	Map entitled: The Treaty No. 3 Ojibway Homeland.	55479

1 ---Upon commencing at 1:30 p.m.

2 MADAM CHAIR: Good afternoon, Mr.
3 Colborne. .

4 MR. COLBORNE: Good afternoon, Madam
5 Chair.

6 MADAM CHAIR: Are you ready to proceed?

7 MR. COLBORNE: Yes, I am. I'll ask my
8 witnesses to come forward so they can be sworn.

9 MADAM CHAIR: Thank you.

10 MR. COLBORNE: Willie Wilson, please,
11 Francis Kavanaugh, Roy Carpenter, Ron Simmons and Paul
12 Watts, if you will step up to the front you will be
13 asked to swear an oath and after that, please, take a
14 seat here at the witness table.

15 PAUL WATTS,
16 RON SIMMONS,
17 ROY CARPENTER,
18 CHIEF WILLIE WILSON,
19 FRANCIS KAVANAUGH; Sworn

20 MADAM CHAIR: Go ahead, Mr. Colborne.
21 Would you like to introduce your witnesses?

22 MR. COLBORNE: Yes, I will. Just before
23 I introduce them individually, I would like to tell you
24 briefly where the evidence which this panel will give
25 fits into the overall picture, that way the individual
 introductions I think will make more sense.

As you know, we attempted in Panel 1 to

1 give you a background concerning the Treaty 3 Ojibways
2 in this territory and especially with respect to their
3 use of natural resources and the various economic
4 developments and patterns which occurred through the
5 historical period.

6 With this panel we want to give you a
7 general picture of what the situation is today in
8 regard to the Treaty 3 Ojibway communities as they
9 relate to the natural resources of the forest and,
10 particularly, forestry as one aspect of that.

11 The reason why these individuals were
12 selected is because they are all associated with the
13 Indian Forestry Development Program. They are the
14 Board members of that program and, as such, have a fair
15 amount of information that they receive through their
16 positions on the board and, as well, they were
17 nominated and appointed to the board because of their
18 knowledge and because of other factors, of course, but
19 they also have background information or information
20 before they joined the board that has to do with the
21 matters that we will be discussing here.

22 So in a way they are among the experts
23 and probably in a few people they focus a lot of the
24 information that is available about the connection
25 between the Ojibway communities in the Treaty 3

1 territory and the forestry resource.

2 Also with them is Ron Simmons. I'll be
3 introducing him in a moment, he's not a board member,
4 he's an employee, but he's here for certain reasons
5 which I'll explain in a moment.

6 Now, as members of the IFDP board, they
7 also have information about the IFDP, Indian Forestry
8 Development Program itself and, to a certain extent,
9 about the various programs that led up to it and, to a
10 certain extent, about future plans and prospects and
11 hopes and so on. And that is what we hope to cover in
12 the evidence that they will be giving.

13 We will be continuing, as you know from
14 looking at the witness statements, with information
15 about particular communities and with various more
16 focused types of evidence on what these experts -- I'm
17 going to be asking them more to generalize than to tak
18 time with a great deal of specific information.

19 With that comment of my own, I would like
20 to introduce first Chief Willie Wilson. Chief Wilson
21 is a hard person to introduce because he wears a number
22 of hats and I will mention only a few of them.

23 He is chairman of the Indian Forestry
24 Development Program, he is Chief of the Rainy River
25 Band, he was one of the key people, if not the key

1 person who founded and continues to be very closely
2 involved with Manitou Lumber, a successful long-term
3 on-reserve forest industry operation which you'll be
4 hearing more about.

5 He's also involved right now with the
6 process of finding something which will probably have a
7 name approximately as follows: The Latin
8 American-North America Coalition of the Indigenous
9 Forest. Maybe I don't have that quite right, Willie.

10 CHIEF WILSON: Close.

11 MR. COLBORNE: Close. It's in the
12 process of being formed now. I don't think it has
13 fixed a name for itself. And also Chief Wilson is
14 spokesperson for the National Aboriginal Forestry
15 Association which is a Canadian organization, in fact
16 Chief Wilson just gave me today a pamphlet which has
17 just been produced stating general information about
18 the background objectives and so on of this
19 organization which, I think, has not -- well, it was
20 formed in 1989 and it's just starting its work.

21 I would like to give you this pamphlet,
22 unfortunately I have only two here. If I could give
23 you one and undertake to make copies from the other one
24 and provide them before the end of the day, would that
25 be satisfactory?

1 MADAM CHAIR: Any objections?

2 (no response)

3 That is fine, Mr. Colborne.

4 MR. COLBORNE: (handed)

5 MADAM CHAIR: Thank you very much. Shall
6 we make this an exhibit?

7 MR. COLBORNE: Yes, please.

8 MADAM CHAIR: The information on the
9 National Aboriginal Forestry Association will become
10 Exhibit 1857.

11 ---EXHIBIT NO. 1857: Pamphlet re information on
12 National Aboriginal Forestry
 Association.

13 MR. COLBORNE: After what I have just
14 said, it is difficult to decide what to introduce Chief
15 Willie Wilson to you as, and I thought I've covered the
16 main points related to this particular hearing.

17 We have Francis Kavanaugh a member of the
18 Board of Directors of the Indian Forestry Development
19 Program. I will mention a couple of other things about
20 this witness which might assist you in recognizing that
21 some of the things he's going to say come from a long
22 background of knowledge.

23 He's been an elected councillor at his
24 own reserve which is Whitefish Bay for 12 years, he's
25 held many administrative posts over the years including

1 the position of Executive Director for the organization
2 Grand Council Treaty No. 3 which is the party before
3 you today. Presently he is working for his home
4 reserve in negotiations of what is referred to, at
5 least in the press, as self government and from that
6 basis has knowledge of the way decisions are made
7 within Indian government which not a lot of people
8 have.

9 Also sitting at the front -- or, sorry,
10 sitting as witnesses are Roy Carpenter from Lac Seul
11 Band. He has a long background too, but I think I am
12 taking up too much time with this. He is a member of
13 the board of IFDP, he has knowledge in forestry and
14 about his own community and about numerous other things
15 as well which you'll be hearing from him.

16 Paul Watts is a member of the Board of
17 Directors of IFDP from Wabigoon, very knowledgeable
18 again about forestry, about his home community, the
19 Native community in the Wabigoon area and about
20 numerous other things.

21 And Paul Simmons -- sorry, Ron Simmons.
22 Ron is the general manager for IFDP, as such he's in
23 the office or he's on the road or in the field every
24 day doing forestry work or administrative work for IFDP
25 and, therefore, has a handle on a lot of the facts and

1 documents which the Board members would not necessarily
2 have conveniently to hand because they are more the
3 policy makers who come in for the board meetings.

4 Those are your witnesses, and I am ready
5 to begin.

6 MADAM CHAIR: Thank you, Mr. Colborne.
7 You'll be qualifying these witnesses because of their
8 experience with the IFDP and also their individual
9 background in forestry?

10 MR. COLBORNE: Yes, qualifying them to
11 give opinion or expert evidence in two areas; one is
12 the general relationship between the Ojibway
13 communities in the Treaty 3 area and the forest
14 industry; and, secondly, participation of Indians in
15 the forest industry, particularly through programs such
16 as IFDP, Indian Forestry Development Program.

17 MADAM CHAIR: Are there any objections to
18 the witnesses being qualified in this way?

19 MR. FREIDIN: None from me.

20 MADAM CHAIR: Fine, thank you. Please go
21 ahead, Mr. Colborne.

22 MR. COLBORNE: Thank you.

23 DIRECT EXAMINATION BY MR. COLBORNE:

24 Q. There are a map and a composite
25 mosaic photograph at the front. The map is marked as

1 an exhibit, I'll give its number in just a moment.

2 I wonder, Mr. Watts, if you could show us
3 on that map the Treaty 3 territory?

4 MR. WATTS: A. On the big map here?

5 Q. On the map, please.

6 A. This one here?

7 Q. Yes.

8 A. Okay. Treaty 3 territory would be
9 this one, AC, unfortunately it stops at the border but
10 our understanding is it goes into Manitoba.

11 Q. Could you read the exhibit number
12 which should be on the upper righthand corner of that
13 map, it's written in pencil or pen. Just take a look
14 up there, is there a number there?

15 A. 1850.

16 MR. COLBORNE: Yes, the witness has been
17 looking at Exhibit 1850.

18 Now, Mr. Watts, can you describe the
19 Treaty 3 area in terms of drainage basins, rivers, that
20 kind of thing so we can distinguish it from other
21 areas?

22 A. Can I go to the big map here?

23 Q. Certainly. If you like to do that,
24 just unclip the exhibit you've just been referring to.

25 A. I'll just flip it over.

1 Q. Okay, fine.

2 A. Now, let me see here. The drainage
3 basin, okay.

4 Q. Yes.

5 A. All the water from here flows into
6 Lake Winnipeg by the English River system, Wabigoon,
7 number of smaller lakes and rivers.

8 Q. And is that the Treaty 3 area, the
9 area that is covered by that drainage basin that you've
10 just referred to?

11 A. Yes, it is.

12 Q. Okay. And you mentioned, I think
13 with reference to the other map, that it also goes into
14 Manitoba. Can you show us anything on that aerial
15 photograph?

16 A. Very little of it is showing here on
17 the map, Manitoba, but it extends into Manitoba. This
18 is the Manitoba border here, isn't it?

19 Q. How is the Manitoba border marked,
20 what do you see when you're up close to it?

21 A. In yellow.

22 Q. It's a yellow line?

23 A. A yellow line goes -- this is the
24 Manitoba border.

25 Q. Okay. And show us the international

1 border as well.

2 A. It's also marked in yellow.

3 Q. Okay. And the outer limits of the
4 Treaty 3 area, how are they marked on that photo
5 mosaic.

6 A. It's in blue.

7 Q. There's a blue line there?

8 A. Yes, it is here.

9 Q. Okay.

10 A. But it stops at the border.

11 Q. Now, just so we can orient ourselves,
12 people who are more accustomed to looking at road maps
13 and so on, could you show us the main towns that we
14 would be familiar with.

15 A. The main towns. I guess it would be
16 Kenora, right over here, Fort Frances here, Dryden,
17 Ignace and of course Wabigoon where I am from right
18 here, right in the centre.

19 Q. Does anyone else have any request for
20 towns indicated? Now, could you show us, again just to
21 orient where we are, the major transportation corridors
22 on that photo mosaic?

23 A. Well, depends how you are travelling.
24 If you are travelling by TransCanada Highway it would
25 be Dryden, Kenora.

1 Q. Can you actually see that if you're
2 up close to the photograph the way you are?

3 A. Yes, you can, yes. And the CP rail
4 goes right almost beside the TransCanada Highway.

5 Q. Can you see it as well?

6 A. Here and there you can.

7 A. And there's also north of that the
8 CN. That one you can barely see. I don't know, you
9 can see parts of it.

10 Q. Are there other --

11 A. The southern highway here, Fort
12 Frances and Thunder Bay, I forget the name of that
13 highway. I drive through it all the time.

14 Q. I think that is called Highway 11; is
15 it not?

16 A. Highway 11.

17 Q. I'm not sure. That's the Fort
18 Frances to Thunder Bay highway?

19 A. Right.

20 Q. Are there other corridors that you
21 can see that are visible on that aerial photograph?

22 A. There's a hydro line that comes in
23 from Manitoba into this area, there's also the
24 pipeline, natural gas pipeline.

25 Q. Now, I understand that the Indian

1 reserves are marked on that as well. I can't see them
2 from here, but could you tell us how they're marked?

3 A. They're marked in red tape.

4 Q. So if you walk up close --

5 A. Close you can see.

6 Q. Where you are you can see each one of
7 them?

8 A. Yes, you can.

9 Q. Just as a couple of examples, could
10 you show us your -- or the reserve at Wabigoon?

11 A. It's in Lake Wabigoon, it straddles
12 the lake here, there's two pieces to it.

13 Q. And, again, show us the one nearest
14 where we are, that would be the Rat Portage Reserve
15 right next to Kenora?

16 A. Kenora would be -- Rat Portage
17 Reserve right here, just south of Kenora.

18 Q. And if you look closely enough each
19 reserve is marked on there as far as you know; is that
20 correct?

21 A. Quite a number of them. 60 pieces of
22 land altogether. It's pretty hard to go by without --
23 I have to count them, it will take me --

24 Q. Don't bother, we will take your word
25 for it. Thanks, Mr. Watts.

1 I want to ask the next question of
2 Francis Kavanaugh actually.

3 MR. FREIDIN: Do you want to make that an
4 exhibit?

5 MR. COLBORNE: Oh yes, let's mark that
6 now.

7 MADAM CHAIR: This will become Exhibit
8 1858.

9 ---EXHIBIT NO. 1858: Map entitled: The Treaty No. 3
Ojibway Homeland.
10

11 MR. COLBORNE: Q. Mr. Watts, I may have
12 cut you off. Did you want to indicate something else
13 there? Actually I wanted to ask you another question,
14 while I think of it.

15 MR. WATTS: A. No, I was just trying to
16 find my trap line.

17 CHIEF WILSON: A. They put that away.

18 Q. Well, another question has occurred
19 to me. Well, let me ask Mr. Kavanaugh this.

20 Are there any major areas shown on that
21 photo mosaic that are not covered by forest?

22 MR. KAVANAUGH: A. Yes. Generally
23 speaking the area in question is you know, still
24 forested with the exception of in and around the Rainy
25 River, a lot of the lands have been converted to

1 agricultural lands, as well along the Dryden area,
2 there are places there that have been converted, again,
3 agricultural lands.

4 Q. Can you locate those for us on the
5 Exhibit 1858?

6 MADAM CHAIR: Mr. Colborne, shall we call
7 this exhibit The Treaty No. 3 Ojibway Homeland as shown
8 on the map?

9 MR. COLBORNE: Yes, that will be fine.

10 MR. WATTS: Dryden is here.

11 MR. KAVANAUGH: Okay. Rainy River would
12 be in and around this area here.

13 MR. COLBORNE: Q. And that is one of the
14 areas where there is agricultural development?

15 MR. KAVANAUGH: A. Yes.

16 Q. And you mentioned the other area?

17 A. Dryden.

18 Q. And that is the other one where
19 there's agricultural --

20 A. Yes.

21 Q. If you look closely at the photograph
22 you're pointing to, can you actually see that that is
23 an agricultural area as opposed to a forested area?

24 A. No, I can't.

25 Q. Oh, that's fine. I haven't been able

1 to get a close look at it, I thought that it might be
2 visible. You have been to those two areas; have you?

3 A. *I have, many times, yeah.

4 Q. And they are agricultural areas?

5 A. Yes.

6 Q. And you have been through the rest of
7 the Treaty 3 territory?

8 A. Yes, I have.

9 Q. Are there any other major
10 agricultural areas other than those two in the Treaty 3
11 territory?

12 A. Not that I know of, no.

13 Q. What is on the ground through most of
14 the Treaty 3 territory?

15 A. Okay. In terms of forest, I guess if
16 one was to draw a line, I don't know, somewhere
17 inbetween north of it you'd discover boreal forest
18 which is mainly spruce, pine and balsam, and again, if
19 you were to draw that line, I don't know, someplace to
20 the south we have the Great Lakes and St. Lawrence
21 Forest which is a mixture of wood, but hardwoods.

22 Q. Where is your home community?

23 A. Right over here.

24 Q. And that's Whitefish Bay?

25 A. Whitefish Bay, yeah.

1 Q. What are the main types of tree that
2 grow, say, in the 20 or 30-mile radius around Whitefish
3 Bay?

4 A. There's a mixture of pines, spruce,
5 some softwood like poplar and basically that's it.

6 Q. Now, I know you pointed to it on the
7 map, but for the written record, could you describe
8 briefly where Whitefish Bay is in relation to other
9 landmarks or places?

10 A. Okay. Geographically speaking we're
11 about 55 miles south of Kenora on the -- situated just
12 off Highway 71 adjacent to Sioux Narrows which is about
13 five miles from the community and we're at, I guess you
14 could say, the headwaters of Lake of the Woods.

15 We're on a river system that enters Lake
16 of the Woods and to the south of us lies Fort Frances
17 which is about 85 miles from Whitefish Bay.

18 Q. Thank you. Now, I have some
19 questions about what happens to non-Indian communities
20 when the resource base for those communities dries up.

21 It says in the witness statement that
22 there's a tendency for these communities or the people
23 who work in resources to leave after the jobs are not
24 there any longer, and I would like to ask various of
25 you to give us some examples from this territory you're

1 personally familiar with, and I would like to do it by
2 type of resource.

3 MR. COLBORNE: Madam Chairman, I don't
4 want to suggest that what we're doing here is any kind
5 of a scientific survey, I'm definitely just asking
6 these witnesses about situations they know of in their
7 immediate area that they have personally observed.

8 Q. So the first question has to do with
9 lumbering, and I understand that, Roy Carpenter, there
10 are areas that you have personal familiarity with where
11 there have been people living for purposes of lumbering
12 and then something has happened.

13 So can you tell us a little bit about
14 that?

15 MR. CARPENTER: A. Yeah. I think the
16 most noticeable one over the years would be the Colenzo
17 Mill that used to be located to the south of CNR main
18 line on Red Lake Road. That mill closed down some
19 years ago when Dryden had a modernization to their pulp
20 mill in Dryden. They just didn't fit into the plans,
21 therefore, it had to be put out of operation.

22 So the side effect was that some of the
23 employees had to now commute to Dryden to go to work,
24 some had to move to Red Lake to find employment
25 elsewhere.

1 And then the other one that was affected
2 due to the dispute over, call it what you may, maybe a
3 labour dispute, was the logging camp that used to be
4 situated at Camp Robinson. I think it was back in the
5 70s or the early 80s that Camp Robinson ceased to exist
6 as a community because of labour disputes.

7 Q. And what happened to the people who
8 lived there?

9 A. Well, that little community, I don't
10 think it's there any more; if it is, there might be one
11 or two heads that you could probably count. At one
12 time there was about 15 or 20 houses there that were
13 occupied by families from the Kenora area and
14 surrounding district. It wasn't that the resource was
15 depleted, it's just the management and the unions were
16 at odds.

17 Now, if you go a little more closer to
18 the home front, Hudson; at one time Hudson had four
19 sawmills operating back in the late 40s and the early
20 50s. Again, I think some had to do with the markets
21 but certainly evidence is there that when industry
22 leaves so do the people also leave.

23 Hudson has never flourished as a town. I
24 think the population has always been around 600 and
25 probably a 300-dog population and one grouse.

1 Q. Can you indicate where your home
2 community Lac Seul is and where Hudson is in relation
3 to it?

4 A. Hudson is on the south shore of Lost
5 Lake located here on the map and I'm just across the
6 bay there known as Frenchman's Head.

7 The north portion of the reserve is
8 Kejick Bay. Again, part of Lac Seul. The other
9 community is Whitefish Bay, but bear in mind that these
10 two communities at one time were all on the same
11 peninsula. It is when the dam went in that it turned
12 that Kejick Bay into an island. So that's why they are
13 sort of separated.

14 MR. MARTEL: What was the name of that
15 second community? Lac Seul and...

16 MR. CARPENTER: Well, Lac Seul is the
17 reserve. Frenchman's Head is the south portion of Lac
18 Seul and Kejick Bay is the northern portion and to the
19 west in Whitefish Bay, but it's all one reserve.

20 MR. COLBORNE: Q. Now, Mr. Carpenter, I
21 understand that in that area near Lac Seul that you are
22 most familiar with there are also examples of
23 communities that were established for purposes of the
24 railway, but there is nobody there because the jobs are
25 gone. Can you tell us what those are and what you know

1 about them.

2 MR. CARPENTER: A. Well, first of all, I
3 guess going back again with the railway, I think there
4 is one community that I know of that isn't there
5 anymore, is Superior Junction. Part of it is known as
6 Alcona. I shouldn't say Alcona, but Alcona is adjacent
7 to Superior Junction.

8 There are still a few homes in that area,
9 but if you drive along that highway you will see
10 remains of foundations that were there at one time, but
11 people aren't there anymore.

12 Q. I think there is also a location near
13 Lac Seul that was formally a town that was built for
14 construction; is that right? Could you tell us about
15 that?

16 A. This would be going over to the Ear
17 Falls area up in here. Ear Falls has a Hydro dam here
18 and it also has another one down at Manitou, the
19 Manitou dam.

20 During construction, there was a little
21 town there and when construction was completed that
22 town became extinct. There is only the tourist camp
23 there now and some buildings and there are no employees
24 living close by there. Manitou is remotely controlled
25 from Ear Falls with some service personnel going down

1 to check up on the generators and so forth, but
2 evidence is there that it has been that way many years
3 ago.

4 Q. I would like to direct my next
5 question to Mr. Watts. This has to do with examples in
6 your area, the area that you are most closely familiar
7 with, of communities that were established for resource
8 extraction purposes, but are no longer there.

9 I think the ones you are going to tell us
10 about are mining?

11 MR. WATTS: A. Okay. Can I show it on
12 the map?

13 Q. Yes, please.

14 A. Let me find my bearings here first.
15 The biggest one I can think about - I
16 wasn't around, I was very young when it closed down -
17 was called Gold Rock. At one time there was a
18 community of 2,000 people there.

19 Last year and all there is one small
20 little tourist operation where the mine used to be, and
21 we also had smaller mines close to our community.
22 There is as little community on the highway called
23 Diment or (inaudible) corner as you are driving through
24 the highway. There are smaller mines there, four or
25 five of them in that area. Maybe 200 people at the

1 most in all five mines, but they close down and there
2 is nothing living there now. Just abandoned mine
3 shafts in that area. *

4 They are the only ones that I know about.

5 Q. Now, you are not far from Ignace.
6 Ignace is a big mining town; right?

7 A. Right.

8 Q. What's happening with Ignace.

9 A. I forget the name, he north of Ignace
10 there, a mine just closed down there. I knew it this
11 morning. Just two weeks ago it closed down.

12 Q. Are there any mines operating in the
13 Ignace area after this one has closed?

14 A. Not that I know of.

15 Q. My next question, unless you have
16 more to tell us about --

17 A. As you know, Atikokan had a mine at
18 one time. Half the population of Atikokan moved away
19 someplace.

20 Q. I want to ask my next question of
21 Francis Kavanaugh again.

22 I direct your mind to the area around
23 your community that you are most familiar with. What
24 do you see there in terms of tourism and what has
25 happened when the tourist trade declined?

1 First of all, tell us about tourism in
2 your area?

3 MR. KAVANAUGH: A. Tourism. I guess in
4 our -- as you probably know, Sioux Narrows is a major
5 destination point for the tourists per se from
6 Manitoba, points in the states like Minnesota,
7 Wisconsin, Michigan, Iowa and it's a popular site to
8 visit.

9 It used to be, but since, I would say,
10 about eight to ten years ago they built the highway
11 connecting Dryden to Fort Frances which provided an
12 alternate route for people wanting to travel to other
13 points in northwestern Ontario like Dryden, Red Lake,
14 Ear Falls, Vermilion Bay.

15 They found, like I say, an alternate
16 route which effectively bypassed Sioux Narrows and
17 Sioux Narrows at one time was a stop-over for many
18 overnight people. Some came back for many years on
19 end.

20 Like I said, when I was younger I used to
21 see Sioux Narrows, you know, with a bustling population
22 of about 6- to 8,000 people in the summer. Now maybe
23 1,000 is an estimate of the peak period of Sioux
24 Narrows nowadays because. There isn't just -- there
25 isn't tourists there any more. That is counting other

1 factors as well.

2 There's too many regulations in place,
3 MNR's regulation, the price of gas, bush trees. You
4 know, they are just killing the tourist trade. In
5 fact, if you look at another abandoned mine shaft, we
6 have right in Sioux Narrows a bar which is called the
7 Mine Shaft. You know, if you'd walk in there any given
8 night you would see the place full of tourists, you
9 know, basically rocking to country music and whatnot.
10 Now when you walk in there you don't see anybody, just
11 people from Whitefish Bay. They are wholly supporting
12 that place. If it wasn't for the community of
13 Whitefish Bay that place would be shut down.

14 As well, there is -- a lot of places are
15 starting to get boarded up. People just pull up and
16 leave.

17 Q. What happens to the people who run
18 the tourist businesses and the non-Indians who work in
19 them once they close down?

20 A. Basically they relocate to greener
21 pastures.

22 Q. I have some questions now that have
23 do with the material in the evidence statement about
24 how hard it is to get correct numbers in terms of
25 population of the Treaty 3 communities -- or the

1 Ojibway communities in the Treaty 3 area.

2 I would like to tell you, Madam Chairman,
3 and possibly this is particularly for Mr. Freidin. I
4 have been so perplexed by the seeming incongruity of
5 all these numbers that I have asked the economist who
6 are going to be here as our Panel 5 to take one last
7 hard look at it and try to make some sense of it by the
8 time they come.

9 So although I am going to ask these
10 witnesses what they can tell us about these problems
11 with counting population, I may have some further
12 evidence on this in Panel 5.

13 It's a very confusing area. In fact, I
14 had two consultants work on it for me and neither of
15 them could give me any answer. They both sort of threw
16 up their head -- threw up their hands and gave me a
17 bunch of paper and said: I can't figure it out.

18 So these witnesses will be able to tell
19 us something and I think what they will be able to tell
20 us is -- give us some clues as to why it is so
21 confusing.

22 Anyway, I don't care who answers these
23 questions. I know some of you have told me beforehand
24 some of the crazy or horror stories or whatever it is
25 about counting people. So go ahead and just cast in

1 your information as you like.

2 I will begin by saying, can somebody tell
3 me what's different between a status Indian and an
4 Indian who is not status?

5 MR. WATTS: A. Okay. I will start. As
6 you know, I don't have status. I like to think --

7 Q. The Board doesn't know that.

8 A. Well, they didn't know until I told
9 them. I'm not recognized in the Indian Act as an
10 Indian.

11 Q. Why is that? What happened?

12 A. Well, it started many years ago when
13 I was a small child with the boarding school system.
14 My grandmother took me to the trapline and hid me from
15 any white man that ever came around.

16 So as a result, when Treaty day came I
17 was asked if I was going to school and my grandma said:
18 No. Well, you can't be list then, you cannot be an
19 Indian. So I haven't been an Indian since in the eyes
20 of the government anyway.

21 Q. Are members of your family status
22 Indians?

23 A. Yes, my mother is status and my
24 father was status; he died.

25 Q. Do you have brothers or sisters?

1 A. Yes, 14.

2 Q. Are they status or some of them?

3 A. They are, yes.

4 Q. All of them?

5 A. All of them.

6 Q. You are the only one who isn't?

7 A. Right. I was singled out.

8 Q. Do you speak the Ojibway language?

9 A. (response in Ojibway)

10 Q. I understand that you are going to
11 put your name forward for something soon. What is
12 that?

13 A. Right now I am actively campaigning
14 to be the chief of the reserve.

15 Q. Can you be the chief without being an
16 Indian?

17 A. The Indian Act says I can.

18 Q. So it is possible, say, this time
19 next year you could be sitting here and saying, I am
20 not an Indian, I am just the chief?

21 A. True.

22 Q. Okay. Now, I understand -- I don't
23 want to interrupt, Mr. Watts, if you have more to say
24 about this quite confusing subject, but I did want to
25 ask Francis Kavanaugh a question because I think he had

1 something to do with gathering census information at
2 one time.

3 What was that Mr. Kavanaugh?

4 MR. KAVANAUGH: A. I think it was around
5 1971 when I was home for summer holidays that I had a
6 job conducting census on the reserve and I went around
7 visiting the houses on the community, and some of the
8 people I visited were kind of reluctant to fill out the
9 questionnaires. Some felt questions in there were too
10 personal and, you know, basically they were wondering
11 why, you know, I was carrying that questionnaire
12 around.

13 So what happened was, I would say about
14 anywhere from 30 to 40 per cent of the households in
15 Whitefish Bay did not fill out those census forms. So
16 basically there were just left off as not being there.
17 That's been my experience of census.

18 Q. Okay. Mr. Kavanaugh, I understand
19 you have something to tell us also about this division
20 between on-reserve and off-reserve from your own
21 personal experience. Where were you born?

22 A. I was born in the Dryden area, Eagle
23 Lake, but as things turned out, my mom and dad
24 separated before I was one. Subsequently, my mom moved
25 back to her home community which is Whitefish Bay and

1 because of the way the Indian Act governs daily lives
2 on Indian Reservations, the act said I was a resident
3 of -- I belonged to Eagle Lake.

4 So as such I wasn't entitled to any
5 services of education or whatever, maybe housing in the
6 future at Whitefish Bay where I grew up, and subsequent
7 to that in '74 I transferred to Whitefish Bay, just a
8 paper transfer. I applied.

9 My then home community Eagle Lake where I
10 was born made application that I wanted to me
11 transferred to Whitefish Bay so I could have access to
12 their programs and services. So I was transferred to
13 Whitefish Bay. Then and only then was I eligible for
14 services or any other programs or infrastructures they
15 have in Whitefish Bay, but before that I was
16 non-existent. I was just there, I was just a person
17 living at Whitefish Bay. That's basically it.

18 Q. And you had lived there since you
19 were just a baby?

20 A. Since I was about 11 months old.

21 Q. Now, up to 1974 then, if you were
22 looking at numbers -- if you were look at these lists
23 that we sometimes see with the name of a Band and then
24 it says on reserve and off reserve, you would have been
25 Eagle Lake off reserve; is that right?

1 A. Yes.

2 Q. Okay. Just going back to that for
3 Mr. Watts, you would have been just not anywhere?

4 MR. WATTS: A. No.

5 Q. You were just not an Indian?

6 A. A nobody.

7 Q. Where were you living during the
8 years you were growing up?

9 A. On the reserve.

10 Q. Now, there a thing called Bill C31
11 that is mentioned. Does anybody want to say anything
12 about Bill C31 and how that has affected the question
13 of counting numbers in terms of populations of the
14 Ojibway communities?

15 MR. KAVANAUGH: A. I guess it's a piece
16 of legislation that allowed persons like Paul Watts to
17 apply for membership to an Indian Band providing that
18 Paul could approve that he had Indian blood in him.
19 That's recent legislation. I'm not sure, about three,
20 fours years ago.

21 Q. Has that caused much of a change in
22 the numbers, when you look at numbers and try to relate
23 them to reality? Has that caused much of a change in
24 the numbers?

25 A. Not in terms of on-reserve

1 population, but the membership of reserves, if I could
2 use the term, ballooned.

3 Like, in our case, we have I think about
4 200 Bill C31 people and I guess what that means is that
5 if those 200 people were to move on the reserve we'd
6 have to divy up our programs and services to another
7 200 pieces, you know, which diminishes the other service
8 we are now -- services we are now receiving.

9 Basically there is no money in place for
10 Bill C31, Bill C31 Indians when in fact they said they
11 would be monies available. There isn't any.

12 Q. Does this mean that there are people
13 who if there was money available would move to the
14 reserve but don't because there is no money available?

15 A. My observation has been that Bill C31
16 people are only interested in getting certain benefits
17 like taxation, and I guess that's basically it.

18 They just want to be able to carry a card
19 that says they're Indian. There hasn't been very many
20 people moving back to Whitefish Bay anyways.

21 Q. Okay. Now, is there such a thing as
22 a person who has a card and that says that that person
23 is an Indian but it is not a member of an Indian Band?

24 A. Yes, there is. Yes.

25 Q. Okay. Is there such a thing as a

1 member of an Indian Band now that doesn't have a card
2 that says that that person is an Indian?

3 A. Could you rephrase that?

4 Q. Okay. Is there such a classification
5 as this now, a person who is on a Band list but is
6 not -- no, sorry. I got that wrong.

7 A person who is a member of a Band by the
8 Band's own rules but is not a status Indian? If that's
9 something you don't have knowledge of, that's fine. I
10 recognize that's a pretty technical question.

11 A. I understand what you're saying, but
12 I can't think of a situation on our reserve anyways.

13 Q. Okay. Chief Wilson?

14 CHIEF WILSON: A. Okay. Maybe just as a
15 preamble to what I'm going to say and sharing that same
16 experience.

17 I have been a Chief for 20 years and have
18 seen some of the things that has happened over the last
19 years, pieces of legislation that has happened. C31
20 was different to a lot of the legislation that doesn't
21 have discussions amongst any country.

22 C31 came in and to many of the
23 communities who did not have the opportunity to develop
24 their own membership codes were caught in a sense of --
25 both to the individual who is applying for C31 and may

1 have some connection to that reserve because its
2 father, mother may have come from that reserve or
3 itself came from that reserve. It might have lost it
4 because it wanted to join the arm forces or wanted to
5 buy liquor at that time and give up that status because
6 it wanted to be free enough to go and vote or go by
7 liquor.

8 In saying some of these things, these are
9 the kind of confusions that has happened in the
10 communities. You talked about census. We have on a
11 monthly basis a list, a new list every month of who our
12 new members are. Communities such as ours, for
13 example, we have non-status people living on the
14 reserve who are maybe from another reserve. We have
15 people are who are non-Indians living on reserve and
16 the reason for that is that they have married a person
17 who has status on the reserve.

18 We have now C31 people who are making
19 application to us and various kind of services,
20 housing, et cetera. It also has the opportunity of
21 being able to be involved in the various economic
22 development opportunities that is there.

23 The confusion comes when the real people,
24 the original people, the ones who have their status,
25 have been living there are now, not by choice or no

1 piece of legislation but because of the services that
2 are available that -- the various kinds of resources
3 are more accessible by those kinds of people rather
4 than the original people who lived there and are not
5 able to obtain those kinds of services.

6 So the things that we are faced with,
7 again, is being able to access the various kinds of
8 resources. We have to access them through the Bill
9 C-31 resource area which is, again, limited in our
10 situation there.

11 Where we have 150 plus, the number is
12 going up and down, if these people were to make
13 application back to us we would not have the
14 infrastructure to accommodate any kind of movement.

15 Even if we look at 10 per cent of that we
16 would not be able to accommodate it because our
17 infrastructure in the community of water and sewer and
18 trying to live up to those standards, we would not be
19 able to meet, as well as various other kinds of
20 services.

21 So what is happening because of this
22 piece of legislation, it's forcing us as well to create
23 our own policies, without the tax base, without the
24 resource base and without any other kinds of
25 development to assist being able to have these people

1 on reserve.

2 What we're doing right now, what is
3 happening because this movement may be coming in, is
4 that we are creating a social -- the conditions
5 socially are becoming more endurable because we are
6 putting people back into houses, where we had them
7 before we had four or five families living in houses.

8 We at one point almost were successful in
9 being able to have one home, regardless of the
10 condition it was, that there was at least one family
11 living in those, but because of this C-31 we are
12 starting to see this thing happening now because the
13 status Indian people do not get the same service as the
14 C-31s.

15 We're also faced with the fact, and we
16 don't have policies in place of the non-Indian people
17 who marry on the reserve and are able to move on the
18 reserve.

19 Now, to a certain degree to us it's good
20 because they also bring the technical knowledge with
21 them, accountants, whatever.

22 We have a sawmill as an example. We
23 have -- we need some of those kinds of people because
24 technically they can do some things that we haven't yet
25 trained or learned or effected it. So C-31 certainly

1 has done a lot for us, but has done a lot of damage to
2 us in not understanding how the movements we're making.

3 Those movements should have been in
4 various stages so it allows the infrastructure to
5 happen, it allows to start to develop into various
6 kinds of levy basis that you're going to need in order
7 to maintain -- operate and maintain those kinds of
8 services.

9 Communities now are facing from -- if
10 you're looking at it from a financial point of view,
11 they're heading for bankruptcies because they cannot
12 meet financially those kinds of commitments.

13 Q. Are there some of them then where
14 there are quite a few new people moving in? Mr.
15 Kavanaugh said that at his home community it's not that
16 there's a huge number of people moving in, the effects
17 are of a different type.

18 So are you telling us that in some
19 communities there are actually substantial number of
20 new people moving in?

21 A. Yes.

22 Q. Does that apply at your community?

23 A. Okay. I'm going to give you my
24 example and an example of another community that has
25 that large fluctuation, Couchiching Reserve in Fort

1 Frances has increased their population -- I mean,
2 increased their structure, infrastructure which means
3 housing and all the other services that are needed
4 there, that are required, has had a very visible
5 increase in C-31 people coming back.

6 In our community of the 150 we have only
7 been able to accommodate 10 per cent because we just
8 can't move that quickly.

9 Q. Okay. Just so I am clear, 150 new
10 band members through Bill C-31?

11 A. Yes.

12 Q. About 10 per cent of them have moved
13 onto reserve?

14 A. Yes.

15 Q. What do the other 90 per cent want,
16 do they want to, or some of them yes; some of them no,
17 or what?

18 A. Okay. Any time that we have talked,
19 we don't have an application system. If they wanted to
20 move in and bought their own tepee if you want, yes,
21 they could, but I think that we also have other safety
22 problems and et cetera that accommodate us, so we're
23 not discouraging that to happen, what we're saying is
24 we don't have it.

25 If and when the times comes, yes, and we

1 are able to help you with being able to provide you
2 with service, then perhaps at that point.

3 So what is happening, in many cases now
4 the original people; that is, from my community are now
5 transferring to other communities because that's where
6 the service is, and I, in my community, have no choice
7 in that, when this individual and is accepted by
8 another community, that original person can move to
9 another community.

10 So what I'm being left with is these
11 people who we don't know about, doesn't understand our
12 culture. And the way we live now, they have missed out
13 altogether. We have membership in our community who
14 are from the United States and we are providing
15 services. Again, that is a demand that's there, it's a
16 necessity and it's a policy with Indian Affairs, we are
17 providing services that we have never seen in our
18 lives.

19 Q. Thank you, Chief Wilson.

20 - A. At the same time the original people
21 are not getting it.

22 Q. Okay. I had been asking questions
23 about the problem with trying to count heads in terms
24 of members of the communities, and what you have all
25 said has, I think, been very helpful in explaining why

1 it's so hard to get exact numbers.

2 Does anybody have anything to add before
3 I go on to another topic? Thank you.

4 My next question, I'll address this to
5 Mr. Kavanaugh. How many bands are there in Treaty 3?

6 MR. KAVANAUGH: A. Okay. For purposes
7 of the organization Treaty 3 itself there are 25 bands,
8 but because of the way Indian Affairs have structured
9 bands I guess there's some communities -- some bands
10 have two communities, like an example would be the two
11 Northwest Angle bands.

12 We have adjacent to Whitefish Bay two
13 communities, one is Northwest Angle 33, the other is
14 Northwest Angle 37, and each of those two communities
15 have other communities out in -- south of Lake of the
16 Woods and, as well, there are -- and another band in
17 Fort Frances area, we call it Clear Rainy Lake 17, they
18 also have two communities.

19 So if you were to look at that, you would
20 probably end up with about 30 bands.

21 MR. COLBORNE: Madam Chairman?

22 MADAM CHAIR: Yes, Mr. Colborne.

23 MR. COLBORNE: This is Rocky Seymour who
24 has just joined the witness table. He is also a member
25 of the Board of Directors of the Indian Forestry

1 Development Program. He's from the Rat Portage band
2 which is right adjacent to us here in Kenora, is just a
3 few miles away.

4 I knew he was delayed. I had been hoping
5 he would make it by the time we started, but he didn't
6 quite, but I do welcome him.

7 MADAM CHAIR: The Board welcomes Mr.
8 Seymour as well. Mr. Seymour, would you mind being
9 sworn?

10 MADAM CHAIR: Okay. If you could just
11 approach our table. That's great.

12 Thank you.

13 ROCKY SEYMOUR; Sworn

14 MR. COLBORNE: Q. Now, Mr. Kavanaugh, I
15 asked you about the number of bands and you told us
16 about how many actual communities there are and I think
17 we're going to be hearing from other witnesses about
18 where they're located and so on.

19 But what I wanted to know from you is,
20 just generally speaking how do they operate, how does a
21 band operate, and you've been a councillor for 20 years
22 I think and you've had other exposure to the internal
23 workings of Indian bands, so if you could just tell the
24 Board approximately how bands operate?

25 MR. KAVANAUGH: A. Basically Indian

1 bands have fiscal arrangements with the federal
2 government and, to some degree, with the province and
3 as far as band politics go, the power remains with the
4 band membership who, under the rules and regulations in
5 the Indian Act, hold elections to elect a Chief and
6 councillors who then are charged with the
7 responsibilities of running the affairs of the
8 community.

9 But because of the situation that you
10 can't expect band council to run everything, like as
11 one unit, a lot of times you'll see a band councils
12 delegate some of their authority to another body, like
13 say, you might have -- like, in our community we have
14 our own school, junior kindergarten to grade 12, so
15 band council a few years back delegated that
16 responsibility to an education authority who in turn
17 conducts the affairs of the school, but ultimate
18 authority still lies with the band council.

19 The same can be said with housing, we
20 have housing authorities. I guess that's basically it.

21 Q. And are there variations from
22 community to community as to how the internal
23 decision-making takes place?

24 Maybe I should ask that question of Chief
25 Wilson, he's been Chief of his band for years. Would

1 you say that it's about the same no matter where you
2 go, or that there are variations from one Treaty 3
3 community to another?

4 CHIEF WILSON: A. No, it's pretty well
5 the same. Recent movements have been that tribal
6 council -- in given areas, Treaty 3 is sort of in three
7 geographic areas, Fort Frances, Kenora and Dryden.
8 Each of the areas have -- some of the areas have
9 elected to use tribal councils. The tribal councils
10 are designed in a way to be an administrative advisory
11 group to the communities. So to that degree there is
12 an extension of services.

13 Q. So that forms a bit of an umbrella or
14 something of that type?

15 A. Yes.

16 Q. So each --

17 A. A vehicle to be able to communicate
18 with other communities and be able to look at the
19 various kinds of policies for the delivery mechanisms
20 of resources.

21 Q. Who controls the lands and the
22 resources on reserves? I'll ask Mr. Kavanaugh this
23 question.

24 MR. KAVANAUGH: A. The Minister of
25 Indian Affairs.

1 Q. How does that work, where does the
2 Minister of Indian Affairs get the power to do that?

3 A. I guess in their infinite wisdom
4 the federal government at one time drafted up the
5 Indian Act which controls basically the daily lives of
6 Indian people on reservations.

7 Q. Okay. So the Department of Indian
8 Affairs has that control. I want to ask you a few
9 questions about how they actually operate, you know,
10 how it works day-to-day, and if any of the other
11 witnesses wants to jump in and tell us more, go right
12 ahead.

13 The example I would like to use is
14 forestry, because that is what we're talking about
15 here.

16 So, Mr. Kavanaugh, if you for example got
17 together with some other people at Whitefish Bay and
18 said: Okay, there is an area of forest here which
19 would be good to harvest, we think we can sell the
20 wood, we want to get something going, what would you
21 have to do, where would you go and how would it work?

22 A. Okay. I would first have to consult
23 with Indian Affairs.

24 Q. Where are they?

25 A. They're in Thunder Bay. Basically I

1 would ask permission, you know, we have got this idea
2 and we want to log this area.

3 Q. And do you know anything about their
4 internal workings; like who it is you ask, or who you
5 have to check with?

6 A. It's Lands and Reserves, then they'll
7 ask -- they'll in turn ask you some requirements you've
8 got to fulfill before they issue you a permit.

9 Q. What kind of things are those?

10 A. There's -- not very familiar with, I
11 think they're called stumpage fees. You've got to get
12 something from the provincial government anyways, MNR
13 and there's some kind of a fee, a provincial rate,
14 okay.

15 If you can get that confirmed, those
16 rates, then you also require a contract from, like say,
17 Manitou Lumber and in that contract you have to state
18 how many -- how much cords of wood you're going to
19 deliver to Manitou Lumber and at what price.

20 That contract has to be signed by both
21 parties. Then and only then Indian Affairs will issue
22 a permit.

23 Q. Do you know if they make any
24 inquiries to see if the area that you want to log is a
25 good one in terms of forest planning?

1 Do they look into the age of the trees,
2 the quality of the wood, whether it might be better to
3 hold off for a few years, that kind of question, or do
4 you know?

5 A. I am not aware. Although we have
6 to -- you're required to submit also a map of the area.

7 Q. I'll ask Chief Wilson that question,
8 I think he's indicating that he has the knowledge on
9 that.

10 CHIEF WILSON: A. Let me just--

11 Q. Go ahead.

12 A. --try and give you a picture of the
13 process.

14 When an individual or a company or a band
15 itself wants to cut on the reserve for the purpose of
16 harvesting any wood, it will then -- first, it will
17 have some idea where it's going to sell it, that's the
18 first step.

19 The second step then is to identify the
20 amount of cordage that you have there, okay, that you
21 need. I'll give you the example, if someone wants a
22 thousand cords that person will go to the band council
23 and say I need a thousand cords. Well, obviously, band
24 council knows that there's a thousand cords out there,
25 hopefully.

1 And I want to get into a little bit of
2 this here after, because what that individual then will
3 do will say: Okay, I have permission now to cut this.
4 We as a band council on the other hand will then have a
5 resolution which is then sent to Indian Affairs and
6 says: Hey, we are going to allow this individual to
7 cut a thousand cords of wood. In many cases it's sort
8 of a rubber stamp situation.

9 Then the person after getting his
10 approval will go to its purchaser, it may be Boise
11 Cascade or someone else and say: Okay, I'm prepared to
12 sell you the wood.

13 Now, in the resolution the individual,
14 whoever is the purchaser has to guarantee the stumpage
15 and that stumpage goes directly to our -- right to
16 Indian Affairs which they will credit to our accounts
17 to that reserve's account, okay.

18 Now, it is -- Indian Affairs is the
19 trustee of those lands, it has a fiduciary
20 responsibility to those lands and should be well aware
21 of the conditions of those lands and what happens to
22 those lands in the event of rehabilitation.

23 I want to go back to 1985 when we started
24 the IFDP program. It took us -- took a lot of
25 political strength, took a lot of will to convince

1 Indian Affairs that we have to start rehabilitating
2 some of those reserves that have been raped and reraped
3 and raped over again, because there were never any
4 management plans nor did Indian affairs -- nor has
5 Indian Affairs then or now had no method of
6 understanding what's on those reserves.

7 Q. So that even applies right now?

8 A. Yes.

9 Q. If somebody made that phone call
10 today, there's nobody at Indian Affairs in Thunder Bay
11 who is going to look up and see if that's the right
12 area to harvest or the right type of wood or the right
13 age or size?

14 A. Whatever.

15 Q. Anything like that, they don't look
16 into that at all?

17 A. No, nothing. Or in the event that
18 the individual says: Yes, I need a thousand cords of
19 sawlogs, which is probably about a 30 per cent recovery
20 in many trees, so consequently you could be leaving 66
21 per cent of the tree in the bush because you don't have
22 no use for it or you don't have no sale for it or
23 whatever.

24 Now, Indian Affairs is the responsible
25 trustee and has not investigated or even looked at the

1 area what is happening.

2 Q. I am really getting off track here,
3 but I can't help but ask, does IFDP get involved at all
4 right now on points like that, or is that beyond what
5 IFDP does?

6 A. IFDP now is providing management
7 plans for communities. Prior to us moving into a
8 community -- we have to be asked by the community,
9 first of all and then we try and determine what does
10 the community want. In many cases they will ask us for
11 a forest management plan in a given area, in doing
12 silviculture planning.

13 We have been asked in several communities
14 to now start looking at timber management planning
15 where then we look at the -- we start - I'll let Ron do
16 the technical part of this here - where we start to
17 determine the size of the trees, and we'll do road
18 locations and et cetera, make recommendations in that
19 sense and hopefully the community then will look at
20 that and extract a sustainable yield out of that area.

21 And that's going to be very difficult for
22 us to do over the next few generations because many of
23 the communities have raped -- as I said, have raped
24 and raped their communities to a degree where it
25 takes a lot of work to bring it to any sustainable

1 stage.

2 Q. Okay. I wanted to ask you, Chief
3 Wilson, about a point that Mr. Kavanaugh made because I
4 was curious about it, maybe you can clarify.

5 I think Mr. Kavanaugh said that at a
6 certain point you had to get something from MNR. Do
7 you know about that?

8 A. Okay. It's a permit which allows you
9 to cut the wood, and I guess -- I'm not sure if that
10 permit is used in terms of knowing what's being cut in
11 Ontario, or if it gives you permission -- certainly
12 they can't give you permission to cut on a reserve.

13 Q. So it may be an information sheet?

14 MR. FREIDIN: I'm sorry?

15 MR. COLBORNE: I'm sure we can clarify
16 that before the --

17 MR. MARTEL: Why don't we do it now,
18 because I think he said you needed a permit to cut off
19 reserve, that you can't get a permit for on-reserve
20 from MNR; is that right?

21 CHIEF WILSON: Mm-hmm.

22 MR. KAVANAUGH: No.

23 MR. COLBORNE: Go ahead.

24 MR. KAVANAUGH: It's something to do with
25 stumping rates.

1 MR. FREIDIN: I think -- my understanding
2 is, maybe we can clarify this, that the federal
3 government, because the stumpage that the company who
4 received the wood from the reserve have to pay stumpage
5 which goes to Indian Affairs which goes into the
6 reserve's fund to be managed by Indian Affairs, that
7 the band must provide information as to what the
8 stumpage rate is in Ontario at the time and the Feds
9 use that stumpage rate as being the minimum stumpage
10 rate that the company, Boise, have to pay to Indian
11 Affairs.

12 I don't think there's a matter of
13 approval here. I can check on that, but I think --
14 CHIEF WILSON: No, it's not matter of
15 approval.

16 MR. FREIDIN: Just to find out how much
17 money should the recipient pay to the federal
18 government in stumpage.

19 MR. MARTEL: Tell me something, maybe
20 somebody can help me. Why wouldn't Indian Affairs know
21 that, what the stumpage rate was that is going at the
22 time? Why would the onus be on an Indian band to have
23 to go out and find out what the bloody stumpage is
24 being paid by various companies across the province in
25 order to provide that information to Indian Affairs?

1 Couldn't they just be provided with an
2 annual report by the Ministry to the Department of
3 Indian Affairs saying: Here's what the stumpage rate
4 is this year.

5 MR. FREIDIN: I can't answer that, you'll
6 have to ask somebody from the federal government.

7 MR. MARTEL: Well, no, it might be
8 something that MNR could look into that might save a
9 lot of headache for the Native communities, if that
10 could be provided to the Indian Affairs Department.

11 It seems to me to be a lot of work for
12 nothing. I guess that's what bothers me. I mean, it
13 seems to be so silly asking -- if 10 bands went out and
14 were trying to get some harvesting on their own
15 reserve, my understanding is all 10 bands would have to
16 go and find out what the stumpage rate is and provide
17 that information to Indian Affairs.

18 It seems to me that an annual report to
19 Indian Affairs would neatly resolve that whole problem
20 for everyone.

21 MR. FREIDIN: I'm not sure whether
22 stumpage -- I can't comment. There have been changes
23 over the year. You have to ask the Feds.

24 MADAM CHAIR: Mr. Kavanaugh, I think Mr.
25 Martel's question is: Is this in any way a problem for

1 Indian bands with respect to on-reserve logging.

2 MR. KAVANAUGH: Well, I was just
3 outlining the processes here that we have to go through
4 in order to obtain a simple -- even to cut one tree.

5 MADAM CHAIR: Mm-hmm. I think that the
6 question didn't start with a question about stumpage, I
7 think our question was what kind of a permit do you
8 apply for with respect to either on-reserve or
9 off-reserve logging.

10 MR. SEYMOUR: You have to apply for a
11 cutting permit.

12 MADAM CHAIR: Yes.

13 MR. SEYMOUR: Which means--

14 MADAM CHAIR: Off-reserve.

15 MR. SEYMOUR: --off-reserve or
16 off-reserve, including firewood.

17 MADAM CHAIR: Yes. Everyone applies for
18 an off-reserve cutting permit, but you don't have to go
19 through that for on-reserve cutting?

20 MR. SEYMOUR: No.

21 MADAM CHAIR: Thank you, Mr. Seymour.

22 Mr. Colborne, is this a convenient time
23 to have our afternoon break?

24 MR. COLBORNE: Yes, it is.

25 MADAM CHAIR: All right. We will take 20

1 minutes. Thank you.

2 MR. COLBORNE: Thank you.

3 ---Recess at 3:08 p.m.

4 ---On resuming at 3:30 p.m.

5 MADAM CHAIR: Mr. Colborne, do you think
6 we will be sitting this evening?

7 Do you think we will require the time
8 this evening in order to be able to finish tomorrow?

9 MR. COLBORNE: Just give me a moment to
10 ask Mr. Freidin how long his cross-examination may be.

11 I know he hasn't heard all the evidence
12 yet, but I will ask him.

13 ---Discussion off the record

14 MR. COLBORNE: He says a couple of hours.
15 Therefore, I believe that if we sat an ordinary day
16 tomorrow that we would almost certainly be finished
17 including the cross-examination by the end of the day.

18 So, therefore, I would say there is no
19 necessity to sit tonight.

20 MADAM CHAIR: All right, fine. Thank
21 you, Mr. Colborne.

22 MR. COLBORNE: Some of my witnesses have
23 travelled and just arrived today and some of them
24 partway through the day, and Chief Wilson was in
25 Finland about 40 hours ago and Rocky Seymour was just

1 at a fly-in reserve called Lac La Croix so they
2 probably appreciate having the evening off.

3 I know you have travelled today as well.

4 MS. GILLESPIE: Madam Chair, we may have
5 some questions, but I think we will be less than an
6 hour. So I don't imagine that effects the sitting
7 arrangements.

8 MADAM CHAIR: Thank you, Ms. Gillespie.

9 Shall we go ahead, Mr. Colborne.

10 MR. COLBORNE: Q. It says in the witness
11 statement that generally the reserves are located close
12 to and/or have good access to the natural resources
13 which are most often used for economic purposes in this
14 part of the country, and I would like to talk mainly
15 about timber, but you don't have to restrict your
16 comments to timber.

17 In the case of the five reserve
18 communities represented here by your home communities,
19 I would like you to tell me in each case just in
20 general terms what resources, and particularly what
21 timber resources, are in the immediate vicinity of your
22 home reserves.

23 So, Mr. Watts first. Wabigoon, what
24 timber resource are there in that district?

25 MR. WATTS: A. Well, we have a lot of

1 timber around the Dryden area. The reserve itself is
2 around 40 -- 25 miles from Dryden from the paper mill
3 there. Timber is just within a 50-mile radius of
4 Dryden.

5 Q. What about other resources? Tourism
6 in that part of the country might be the second most
7 important resource using activity.

8 A. Yes, there's a lot of tourism
9 around the Dryden area.

10 Q. And what about the location --

11 A. Within five miles of the reserve
12 there's three tourist camps functioning and they are
13 mostly American and European clientele.

14 Q. So does that mean that the game and
15 fish resource is still fairly healthy in your area?

16 A. Yes, it is. It's still fairly
17 healthy. Not as good as it was like, say, 20, 30 years
18 ago.

19 Q. Now, Mr. Carpenter, I would like to
20 ask you basically the same questions about Lac Seul.
21 Is there still good timber in the vicinity of the Lac
22 Seul reserve.

23 MR. CARPENTER: A. Well, as you know,
24 Lac Seul consists of over 66,000 acres and a good
25 percentage of that is merchantable timber. I'm talking

1 about conifer.

2 Q. That's on reserve?

3 . A. That's on reserve. We are also
4 adjacent to the large stands of timber north of Lac
5 Seul to the northeast and to the northwest towards Ear
6 Falls. I imagine the Township of Ear Falls would
7 probably want their share, too. I think the problem we
8 have is the distribution of the resources.

9 Q. Okay. I was going to come back in a
10 few minutes and ask each of you what problems there are
11 in terms of using these resources.

12 Now I would just like to talk to you
13 about what resources are there. What resources are
14 nearby that you could use if you had access to them.
15 So there is the forest. What about --

16 MR. FREIDIN: Are we talking about
17 off-reserve resources now, Mr. Colborne?

18 MR. COLBORNE: Mainly off reserve. I
19 think Mr. Carpenter mentioned on reserve because Lac
20 Seul is a very large reserve so you have to travel
21 quite a ways before you get to the boundary.

22 Maybe I should pursue that a little more.

23 Q. Mr. Carpenter, off reserve, you have
24 said that there is also good timber. That's what you
25 were referring to when you were talking about --

1 MR. CARPENTER: A. I'm talking about
2 outside the boundaries.

3 Q. Okay. Now, the game and fish
4 resource that tourism relies on, how is that -- what
5 state is that in in your area?

6 A. Well, I'd like to think it's in a
7 healthy condition, but I don't think it's - again,
8 going back to what Paul has said - I don't think it's
9 nearly as good as it was, say, 20, 25 years ago or 30
10 years ago.

11 We have two tourists camps situated right
12 on the Lac Seul reserve; one or the south portion, one
13 on the north portion of our reserve. We are involved
14 in a tourism industry somewhat.

15 Q. Chief Wilson, what about the Manitou
16 Reserve?

17 CHIEF WILSON: A. Okay. Where we were
18 situated now we don't have access to timber resources
19 nor do we have tourism, but it is hopeful that
20 something can be commercially created.

21 We have a saw mill which has the only
22 dryer in the Fort Frances area. We import all of our
23 wood. We don't have DCLs or permits to cut from Crown
24 lands. We harvest between 3- to 5,000 cords of red and
25 white pine. We specialize in red and white pine.

1 We employ 17 people there when it is
2 operational -- 17 Indian people when it is operational
3 and the remaining is non-Indian people. Do we have any
4 other kinds of resources? No. I think there may be
5 other questions that relates to access and how that can
6 happen.

7 Q. Where does most of your red and white
8 pine come from just in terms of geographic area?

9 A. We are hauling up to about 120 to 140
10 miles depending on the private -- whoever the
11 individual will be felling wood to us. It isn't a
12 direct allocation from Natural Resource or from Boise
13 Cascade.

14 We have tried to make arrangements with
15 Boise Cascade in any of their cut-overs areas that we
16 could come in later and cut the wood, but their first
17 obligation is to the independent loggers in the area.
18 So, consequently, their first obligation is to the
19 independent cutters. The independent cutters will
20 contract to us. We will purchase the wood from them.

21 Q. And is it mainly within the Treaty 3
22 territory that your red and white pine is cut?

23 A. Yes.

24 Q. Mr. Kavanaugh, Whitefish Bay, is
25 there good timber still available in the general

1 vicinity of the Whitefish Bay communities?

2 MR. KAVANAUGH: A. There is immediately
3 north and east of us available stands of timber that
4 could be utilized if it was easily accessible.

5 Q. What about the other resources which
6 are commonly thought to be the main economic resources;
7 that is, the game and fish resource and particularly as
8 it attracts tourists?

9 A. Well, there's on a personal level a
10 lot of fish out there. Yes, there is the availability
11 of resources, both game fish and large game animals and
12 there's a lot of bass to be found in our area.

13 As I alluded to earlier, tourism is on a
14 decline. As an industry itself, you used to see Sioux
15 Narrows flourish right from May the 1st to maybe the
16 end of August -- no, October. Now you can see a big
17 drop, you know, right after the end of July. We start
18 to see -- it is just the streets or the highway around
19 Sioux Narrows is just devoid of people. You don't see
20 them any more .

21 Q. Okay. Mr. Seymour, Rat Portage, does
22 it have good timber in the reasonably near vicinity?

23 MR. SEYMOUR: A. No, not really. Most
24 of it was cut out being situated close to the Town of
25 Kenora people. It has been mostly all highgrated and

1 taken out already.

2 Q. What about - as I asked the other
3 witnesses - the game and fish resource as it is
4 attracts tourists?

5 A. We have a marina situated on the
6 reserve which brings mostly the Manitobans in.

7 As for the fishing, I'd say it's pretty
8 well starting to get fished out, but unless you're the
9 perfect guide then you know where they are.

10 Speaking in regards to minerals. We had
11 the highest -- in 1900 we had the biggest mine called
12 Sultana Island. There is a major one here in
13 northwestern Ontario, in fact in Canada, and we never
14 benefited anything out of that one.

15 Also, I would like to point out too, one
16 of the biggest things is probably Hydro by putting the
17 Hydro plant down here. It had no benefit to the
18 people.

19 Q. Okay. Having asked each of the
20 witnesses from reserve communities about whether or not
21 these resources are available in the near vicinity of
22 their reserves, I would like now to ask each of you
23 what obstacles or barriers you understand to be between
24 your community and the ability or the right to use
25 those resources for economic benefit.

1 Again, could we start with Mr. Watts.

2 You have said that there is good forest that could be
3 harvested or is being harvested in your area and you
4 have said that the game and fish resource is still in
5 reasonable good condition.

6 What, if anything, stands between your
7 community and its ability or its right to utilize those
8 resources?

9 MR. WATTS: A. Well, most often -- first
10 of all, I should mention that our allocation for the
11 cut timber for the reserve is 1,500 cords off reserve.
12 The work force in our community that do logging is 32
13 working men. So it works out to 50 cords -- less than
14 50 cords a year a person.

15 Right next to where the reserve has an
16 allocation there is one man, contractor, he has got
17 1,500 cords also by himself. So he can get to work
18 year round while it is just a seasonal thing for us.

19 We tried to increase our allocation.
20 Some of our members wanted to purchase skidders, but it
21 is hard to plan in the long-term when you have got 50
22 cords allocated to you. So a lot of people don't
23 bother cutting their 50 cords. It's just not worth
24 getting into logging.

25 We had a sawmill back in the 60s and we

1 had no sawlogs on the reserve, so we got a small land
2 base where we get the sawlog from. Within a year we
3 ran out of timber. We tried to get some more sawlog
4 material but we couldn't get it from any place. We
5 tried and the result was the sawmill went broke because
6 there was no sawlog material. There was some, but we
7 couldn't get it.

8 Q. Why couldn't you get it?

9 A. Well, there's a number of reasons.
10 You guys didn't actually clean out the timber we gave
11 you, but it was small timber and we couldn't make
12 lumber out of it.

13 There's a lot of red tape from the MNR or
14 the lands is -- Great Lakes has leases for this piece
15 of land. So we went to Great Lakes to see if we could
16 get this timber. No, the union has something to say
17 about that. We are not unit unionized. So we spent a
18 lot of time trying to get it, but it came not worth the
19 effort any more .

20 Q. Were you yourself involved in that
21 effort?

22 A. Yes, I was.

23 MR. MARTEL: Can I ask a question?

24 MR. COLBORNE: Certainly.

25 MR. MARTEL: What union are you talking

1 about? My understanding is that they have not had --
2 if we are talking about Boise -- is that who you are
3 talking about?

4 MR. WATTS: No, Great Lakes. It was
5 Dryden paper, then Ried, then Great Lakes.

6 MR. MARTEL: Okay, pardon me. Because
7 Boise I think was the one that did most subcontracting
8 as opposed to -- I was trying to get that straight in
9 my mind. So it was with the others?

10 MR. WATTS: The others.

11 MR. MARTEL: Okay, fine.

12 MR. MARTEL: On these tracts that Ried
13 had, they had something like what, 26,000 square miles
14 or something like that? I am going back by memory.

15 MR. WATTS: I don't know the exact number
16 but it's huge.

17 MR. MARTEL: It's huge. You couldn't get
18 any cutting in there with 26,000 square miles of timber
19 or lumber of wood available?

20 MR. WATTS: The union doesn't allow it
21 because the people are unionized.

22 MR. MARTEL: My concern is that the union
23 isn't the one that allocates the wood. MNR allocates
24 the wood or Boise -- not Boise, but Ried before them
25 and now C.P.

1 I guess they had that whole 2,600 -- or
2 26,000 tied up. It is hard to imagine.

3 MR. FREIDIN: Are you talking about the
4 Ried tract?

5 MR. MARTEL: Yes. It was 26,000 square
6 miles at one time; was it not? I am just going by
7 memory. I am going back to '73, '74 or '75.

8 MR. FREIDIN: I just wanted to be clear
9 whether you were talking about the Ried tract which is
10 much farther north than the area of the undertaking.
11 It is not near Dryden.

12 MR. MARTEL: How much farther north? It
13 involves the Wabigoon.

14 MR. FREIDIN: No.

15 MR. WATTS: Ried, yes.

16 MR. MARTEL: Certainly that's where all
17 the problem was with the Whitedog and English River
18 and --

19 MR. FREIDIN: The Ried paper mill which
20 is located in Dryden.

21 MR. MARTEL: I am not talking about the
22 mill. I am talking about the tract of land that was
23 held by Ried at one time.

24 I was under the impression - I am going
25 by memory now - that involved 26,000 square miles and

1 included the Wabigoon/English River system where all
2 the problem occurred. That's not part of the same
3 tract?

4 MR. COLBORNE: Mr. Martel, I think I can
5 help.

6 MR. MARTEL: All right. Somebody help
7 me.

8 MR. COLBORNE: I hope I have got it
9 right. The tract that you have referred to is I think
10 essentially in the Red Lake area and is quite far north
11 of Mr. Watts' home reserve.

12 The thing which may be causing confusion
13 is that his home reserve is called the Wabigoon
14 Reserve. But it is far, far upstream in the Wabigoon
15 system from the portion of the system that you are
16 referring to. Maybe I will just point it out on the
17 map.

18 MR. MARTEL: What's confusing me is that
19 if Boise -- Boise is the main in this area.

20 MR. FREIDIN: Great Lakes.

21 MR. MARTEL: Treaty 3. Boise is in Fort
22 Frances and Boise is here; isn't it?

23 ---Discussion off the record

24 MR. MARTEL: Yes, I understand what he
25 has told me, but what I am trying to get straightened

1 out in my mind is who owns what at this time.

2 If Boise is here and Boise is in Fort
3 Fort Frances, but they couldn't get cutting rights
4 because Ried - I think he said Ried - ultimately -- you
5 named Ried; did you not?

6 MR. WATTS: Yes.

7 MR. MARTEL: And then who else?

8 MADAM CHAIR: Excuse me, Mr. Watts.

9 MR. WATTS: The paper mill has changed
10 hands a number of times.

11 MR. MARTEL: I am trying to get a handle
12 on who owns what, where.

13 MADAM CHAIR: Excuse me, Mr. Watts. The
14 situation that you are talking about occurred in the
15 1960s with the sawmill that closed.

16 MR. WATTS: Yes.

17 MADAM CHAIR: What you have said is that
18 the union -- I am assuming the union had a contract
19 with their employer and that employer was Great Lakes?

20 MR. WATTS: Right.

21 MADAM CHAIR: And the contract precluded
22 non-union logging?

23 MR. WATTS: Right.

24 MR. MARTEL: I am simply trying to find
25 out who had all of the tracts in there because in..

1 between you have Boise up here and Boise down below.

2 I am just trying to see where Ried
3 actually fit in and CP.

4 MR. COLBORNE: I have exhibit --

5 MR. FREIDIN: It is so small you can't
6 read it.

7 MR. COLBORNE: It may be Exhibit 2. I
8 hate to think it was that early. It says EA 87-02. It
9 also says MNR-03-OFIA. This is as copy of an exhibit.

10 So having said those numbers --

11 MADAM CHAIR: What is the date on that,
12 Mr. Colborne?

13 MR. COLBORNE: There is no date. It is a
14 copy and somebody wrote on it but they didn't put all
15 the particulars.

16 It is the overall map showing the forest
17 management units in Ontario. It distinguishes between
18 the ones which are Crown and the ones which are company
19 and the area that we would be involved with here would
20 be No. 130, Canadian Pacific Forest Products. That
21 would be forest management unit 130 on this exhibit.
22 The Ried tract is way north of this.

23 MADAM CHAIR: Thank you, Mr. Colborne. I
24 think we can move on.

25 MR. COLBORNE: Very well. I would like

1 to say, though, that the word Wabigoon covers an
2 enormous area because the Wabigoon systems wanders
3 right through northwestern Ontario. So Mr. Watts is
4 way down at one end of it and the end that you are
5 referring to, Mr. Martel, is quite a long distance
6 away.

7 MR. MARTEL: It is all straightened out.

8 MR. COLBORNE: Q. I am not sure if you
9 had finished, Mr. Watts. Do you have any more thoughts
10 on any barriers that stand between the people of your
11 community and gaining benefit from the resources in the
12 vicinity?

13 MR. WATTS: A. Right. Back to more of
14 this wood cutting business. We went and talked to the
15 mill, Great Lakes. In order for them to give us timber
16 they would have to give up a portion of their timber
17 rights, give it back to MNR, and then MNR would give it
18 to us.

19 The problem with that, it would cut down
20 on their allowable cut. So they were reluctant to do
21 that because they are allowable -- the cut was based on
22 acres they had. So as a result we couldn't get any.

23 Q. I will now ask Mr. Carpenter. If you
24 had anything you wanted to add, Mr. Watts, don't
25 hesitate to speak up.

1 Mr. carpenter, you have told us that at
2 Lac Seul there is a good deal of forest that could be
3 harvested right in the vicinity of the reserve. Are
4 there obstacles that you know of standing between the
5 members of your community and the ability to get access
6 to using that resource to harvest it and gaining
7 benefits from it?

8 MR. CARPENTER: A. The resource based on
9 the reserve or you are talking...

10 Q. Off reserve?

11 A. Off reserve?

12 Q. Yes.

13 A. I think the way it works in the Sioux
14 Lookout District is that you have to apply for a DCL
15 even if you're looking for a small wood lot and then
16 you are put on a waiting list.

17 I put my name some years ago, I think it
18 is almost 10 years now, and I was No. 27 I think and
19 just about a month or two I got a letter from MNR
20 saying that I am 19th on the list now. It may be
21 another -- you know, in another 20 years or so I might
22 down to No. 1 which won't be any good to me then or I
23 will be no good to the lot.

24 That is the problem for the people of Lac
25 Seul as far as getting a wood lot. We've had some the

1 same encounters as Paul just mentioned with the paper
2 company there in Dryden.

3 As far as the resource itself on the
4 reserve is concerned, we certainly have quite a
5 substantial amount of timber outstanding on the reserve
6 at the present time.

7 However, our obstacles were waterway
8 channels. We can build bridges on them and in the
9 winter time the season is too short to go over the ice,
10 not only added costs, but a lot of money to put in an
11 ice road. It just wasn't worth the time and the
12 effort.

13 Q. Thank you. Mr. Carpenter, as I said
14 to Mr. Watts, if there is anything you want to add
15 don't hesitate to speak up.

16 I'll now ask Chief Wilson. You said that
17 there are no good forest resources in the immediate
18 vicinity of your reserve there's not much in the way of
19 game and fish opportunities there either.

20 So I am not sure what sense it makes to
21 ask you what the obstacles are about. I will ask it
22 anyway.

23 CHIEF WILSON: A. Well, primarily we are
24 sort of a fishing community, the deterioration of the
25 sturgeon fishery in our area is -- so we are finding

1 alternative means of creating employment or getting
2 into the workforce.

3 Although we have a sawmill, we have no
4 allocation of timber to be allocated to the mill. So
5 if you're looking at the business side of that there,
6 it's very awkward for us to go to a bank and say:
7 Well, I want to borrow a million dollars to remodel the
8 mill to meet the demand, we couldn't do that because we
9 don't have the allocation of wood.

10 And we did have an allocation in the
11 mid-70s which was in the Crow Lake management unit, we
12 had to cross the Crow Lake in order to get at it. We
13 didn't have the capital to be able to build the kinds
14 of roads that were needed, so through an agreement we
15 had to give up the DCL, though we did receive some wood
16 for a period of five years which has run out quite some
17 time ago.

18 So we're in the open market and when
19 you're in the open market of wood it costs you a lot of
20 money. Again, that doesn't put us in the competitive
21 area, but I think there should be a recognition that if
22 we're going to -- you know, there are several problems
23 that I see: One is how the resources are being
24 controlled and who the ownership is.

25 The ownership in our area is in Boise

1 Cascade through their agreements and they also have an
2 obligation to the independent logging operations, and
3 their first obligation is there, so consequently we
4 have to go through third parties, increasing the cost
5 of the raw material that we have do get in our mill.

6 The other one is control, MNR's control
7 over the resources. There isn't -- although the FMAs
8 do have hearings, or whatever you call them, do not
9 give you an indication in the mapping out of that. I
10 think that if we are going to community based forest
11 management and allow Indian people to be part of that
12 process it will also give knowledge to the Indian
13 people of how that control is going to happen and the
14 allocation of it. Consequently then, I think that you
15 can start looking at the resource availability and the
16 demand to it.

17 We then look at that and say: Well then,
18 how do we start receiving the benefits and how do we
19 build the capacity in meeting those opportunities,
20 rather than being the extraction side,-or the
21 silvicultural management, or the forest management or
22 even other than forest management, we can be in the
23 preservation or conservation of the habitat in the
24 area.

25 So there are quite a lot of opportunities

1 one could get into if the will of the governments and
2 the will of the companies and the will of the local
3 people as well, I think we have to share resources.
4 We've always said that the Ojibway people are very
5 sharing people. In many cases I guess we use the
6 excuse, you know, they took it away, but I think
7 they're much -- quite a number of opportunities to have
8 the will to sit down and talk about them.

9 But we don't have those resources right
10 now, everything is fighting tooth and nail for
11 everything you have, and when you do you've got the
12 poorest allocation which means it's going to cost you a
13 lot of money and if you fail, because economically it
14 was not feasible at first, then you are then considered
15 a failure and will not have the second chance.

16 And in the areas of employment within
17 either the private sector or MNR again, we don't have
18 those same levels of expertise for various reasons. If
19 you did not have the experience previously then you
20 didn't get the job. But there isn't an opportunity
21 there to build that capacity to properly train our
22 people to be able to compete in those same areas.

23 So I think -- I guess I could spend all
24 day here talking about that and giving you ideas on how
25 we can do that.

1 Q. Okay.

2 A. At the moment there's nothing there.

3 Q. I just want to ask one follow-up
4 question on that. You said you would get the poor
5 allocations and I take it you're talking about the
6 quality of the wood. Who gets the good stuff?

7 A. Prior to the last generation, last 10
8 to 20 years, companies normally typically drew out
9 where they would like to be, do their mapping and say:
10 We are going to our next hundred cords here, or we are
11 going to do our next hundred thousand cords here, and
12 in terms of that there -- of being able to produce a
13 forest management plan in the first thought was extract
14 and not rehabilitate. In our age today then we have to
15 look at all those things.

16 But, again, the companies are coming back
17 and saying: But it costs us so much, we can't afford
18 it any more, we are in a recession or pretty close to a
19 depression, so now they can't afford it. But our
20 government policies have the strength and have the
21 policies in place to have the pieces of legislation
22 that can force those things to happen and I can't
23 understand why we're not doing it.

24 And we are people, descendants of this
25 country, and I can't understand why governments cannot

1 come up with a policy that allows us to be a
2 participant in that decision process.

3 Q. Okay. I said I had one follow-up
4 question, I have two. Maybe I'll have three by the
5 time you answer this.

6 I want to ask you a question which is
7 exactly the same as I asked a representative of the
8 Forest Industry Association when that representative
9 was giving evidence, Oh, about a year ago.

10 And the question is this: Does your
11 ability to get bank financing depend in part,
12 obviously, on how much area you have a right to cut in?

13 A. Yes. If we're going in there for the
14 purpose of extraction--

15 Q. Okay.

16 A. --we are going in there to cut wood.

17 Q. So if you go to the bank as Manitou
18 Lumber and you don't have a licence you just have a a
19 balance sheet really to put before them or a business
20 plan, you're in worse shape than if you go before them
21 and say: Here, I've got a Crown licence, we've got so
22 much wood we have the right to cut it; is that what
23 you're saying?

24 A. Yes. Okay. If you twisted that
25 around and said: Okay, here's an allocation of wood.

1 I have various options; one is to look at the
2 capabilities I have in managing that and being able to
3 extract that and rehabilitate it with a rehabilitation
4 plan, with a good forest management plan, et cetera,
5 then I have -- I can then do it myself, okay.

6 There's the other side too; is that too
7 is that I can go into joint management with someone
8 else, or I can look at the company that I'm selling the
9 raw material to to help me out in the management of it.

10 So there are various options I think one
11 can look at. At the moment right now I have got less
12 than nothing to go to with. First of all, it's sort of
13 a chicken and egg situation, I can't go to ask for an
14 allocation of wood without the knowledge of the
15 management of how I'm going to use it and without the
16 capitalization of it, and they could make it very
17 difficult even though I had that and say: Well, you've
18 still got to build 50 miles of highway or road and that
19 will put me right out of business.

20 Q. The medium-sized outfits that do make
21 it, and there are some -- well, yours is one, you have
22 survived for years. How many years has Manitou Lumber
23 been operating?

24 A. Since 19 -- we started in the early
25 70s.

1 Q. Okay. And I suppose it's been -- it
2 hasn't all been roses, it's been up and down; has it?

3 A. No.

4 Q. Okay. But you have survived. What
5 is it that distinguishes the medium-sized operations
6 that do survive from the ones that don't survive?

7 A. It's management. I think that we are
8 in a prime location. One of our arguments I think
9 throughout the history of our -- we started off with
10 just small sawmills at first, portable sawmills, and
11 finally got into the modern sawmill. We just
12 remodelled just recently again.

13 But I think it's the -- you know, and I
14 think it's been a very risk factor for us because we
15 really didn't know if we are going to have another tree
16 next year. We were able to convince various investment
17 groups and as well as the bank and as well as the
18 governments that we should have that, okay, and we had
19 to use political force in many cases.

20 Two, I think that as well if under the
21 government's law what, they call DBH - I think it's
22 DBH - where if there's a tree there that's big enough
23 for a sawmill, then it should go to a sawmill. I can't
24 understand why some of our sawmills, it's not because
25 of the market situation, but I think that in properly

1 organizing the area we have and being able to utilize
2 the tree to its full extent, I can't understand why
3 we're not fully utilizing that tree.

4 I just came from Finland, as you
5 mentioned, I looked at some of the operations there. I
6 went to Germany and I have looked at some of the
7 operations there. We're -- here we're very, very
8 wasteful and unless we, s industry, we as private
9 individuals and we as government do not take over this
10 your next EA hearings is going to be about how do we --
11 why did this happen, and I think that you're hearing
12 it.

13 MADAM CHAIR: Excuse me. Chief Wilson,
14 is the concern you're talking about that sawlogs are
15 going to pulp mills?

16 CHIEF WILSON: Yes.

17 MADAM CHAIR: So...

18 CHIEF WILSON: Very much concerned. I
19 can show you pictures of sawlogs that have gone to
20 Boise Cascade that are 32 inches diameter at the butt.

21 MADAM CHAIR: So you're saying that
22 sorting in the forest isn't being done to your
23 satisfaction?

24 CHIEF WILSON: No.

25 MADAM CHAIR: And that every sawlog, your

1 mill is very much dependent on that sorting process to
2 pull out every sawlog possible.

3 CHIEF WILSON: Exactly.

4 MADAM CHAIR: Now on another matter, is
5 MNR helping you in any way to divert supply to Manitou
6 Lumber?

7 CHIEF WILSON: (nodding negatively)

8 MADAM CHAIR: Have they refused to do
9 that, or have they been requested to do that?

10 CHIEF WILSON: We have sat with them and
11 I think they have directed some of the independent
12 people to us, okay, who can -- who have -- and if we as
13 a Indian band had the sole management of that I don't
14 believe -- I firmly believe that probably would have
15 not happened, but because we have non-Indian people in
16 there that are in joint venture with us in the
17 management of it, then it's a different story because
18 these other two people have a lot of influence in the
19 district.

20 MADAM CHAIR: Excuse me. You're in joint
21 management in Manitou Lumber?

22 CHIEF WILSON: Yes.

23 MADAM CHAIR: With people, and they have
24 contacts with independent loggers?

25 CHIEF WILSON: With millions of money and

1 influence, yeah.

2 MADAM CHAIR: And so that you have no
3 agreement with MNR to divert any supply to Manitou
4 Lumber?

5 CHIEF WILSON: None whatsoever.

6 MR. MARTEL: We were told that there's a
7 great effort made to get the sawlogs and what people
8 look in return for, and is this part of the problem,
9 that you can't give the type of fiber in return for the
10 sawlogs.

11 In other words, we were told within the
12 last week that a great effort is made to provide
13 sawlogs where they belong, but in return one needs
14 fiber, but if you don't have fiber for the pulpmill
15 then you don't have anything to trade with; do you?

16 CHIEF WILSON: No, exactly. We don't
17 have anything to trade.

18 MR. MARTEL: And that is the problem that
19 some of the major companies find themselves in, that
20 you can't give back to them the fiber they need in
21 replacement for the fiber they're providing you?

22 CHIEF WILSON: As I said before we're
23 into red and white pine and red and white pine is not
24 in usage in the sawmill, I mean in the papermill, and
25 what I'm looking for, if there is red and white pine in

1 those limits then why not allocate them to us and we
2 could both go in there and look at maps and say: Okay,
3 well, for the next 10 years we know there's going to be
4 enough there to be sustainable for us.

5 The question is: How do we then put a
6 silviculture plan that is going to meet my needs a
7 hundred years from now.

8 MR. COLBORNE: Q. Chief Wilson --

9 MADAM CHAIR: Excuse me, just one last
10 question. The arrangement that you have with respect
11 to wood supply now is that you pay directly for sawlogs
12 that you receive?

13 CHIEF WILSON: Oh yes.

14 MADAM CHAIR: Yes, okay.

15 CHIEF WILSON: And we are paying dearly.
16 I would like to add another thing and, again, hadn't it
17 been for our newly friends that we're joint venturing
18 with, is the pulp chips that we're getting. We have a
19 chipper. It was costing us almost more to deliver the
20 chips to the papermill, yet at the same time we could
21 see the cost of those -- I mean, the price of those
22 same chips, the same grade value and everything else
23 three times higher than what Boise Cascade would pay
24 us.

25 Now, through various discussions and

1 everything else we have now brought that price up
2 because, again, of our non-Indian partners. I think
3 from the Indian side we wouldn't have been able to
4 provide that influence to bring our price up.

5 MR. COLBORNE: Q. Well, I have a
6 follow-up on that one. I thought it was just market,
7 you're saying that influence affects price?

8 CHIEF WILSON: A. Influence. Boise
9 Cascade is the only demand in the Fort Frances area of
10 pulp chips.

11 Q. Right.

12 A. If I have a chipper and I want to
13 utilize as much as I can of the tree, then a chipper is
14 a necessity. And if I have no -- if the condition is
15 where I cannot sell outside of the realms of the area
16 that Boise Cascade is in, which means that I can't -- I
17 cannot go to Great Lakes or I cannot go to Abitibi and
18 try and get a better price, then Boise has full
19 control.

20 Q. And Boise has more than one price
21 depending on how much influence you have got with
22 Boise?

23 A. We used to laugh about this here, but
24 there was an Indian price and then there was an Indian
25 price.

1 Q. Okay. Well, Chief Wilson, I am sure
2 we are going to be exploring a number of points that
3 you've raised, but I want to try to maintain the
4 continuity of my questions, so I'm going to continue,
5 but we will be returning to some points that you have
6 just touched on.

7 And I want to continue with Mr.
8 Kavanaugh. The Whitefish Bay area, you've said that
9 there are forest resources, and you've said that the
10 game and fish resource that attracts tourists is still
11 there.

12 What obstacles, if any, are you aware of
13 that stands between your community utilizing those
14 resources and not?

15 MR. KAVANAUGH: A. I guess to a large
16 degree a lot of that is precluded by the lack of
17 capital I guess and the high cost of capitalizing
18 different ventures, but to a large degree the only
19 timber harvesting that has taken place at Whitefish has
20 been restricted to on-reserve, and that was only
21 through a contract we had with this outfit Manitou.
22 Like I say, it's precluded by the lack of fundings.

23 Q. Okay. You would need these funds to
24 purchase what?

25 A. There's the area of capitalization

1 you need -- you have to purchase skidders, chain saws
2 and whatever is required for logging operations. In
3 the area of fish and wildlife, we've investigated the
4 possibilities of establishing a resort. That, again,
5 has been stymied by the lack of resourcing, I guess,
6 financially.

7 Q. I asked Chief Wilson if financing
8 depended on whether you had a licence for wood or it
9 depended in part on that. I'm not sure if you know the
10 answer to this question because maybe it's never been
11 tried, but if your community had a good licence, do you
12 know, would you be able to get the financing that you
13 need if you could walk into the bank and say: We've
14 got such and such an area, we've got the licence to it;
15 can you answer that question?

16 A. In terms of securing loans from an
17 institution, I would have to say that there's a
18 possibility we might be able to secure funding because,
19 if I may use an example, we've gone through banking
20 institutions for some of our activities, you know,
21 through their regular route of financing. So I would
22 have to say we could.

23 Q. Mr. Seymour --

24 MR. MARTEL: Could I ask a question?

25 MR. COLBORNE: Certainly.

1 MR. MARTEL: Have you attempted to
2 utilize any of the provincial funding agencies which
3 are agencies of last resort; in other words, if you
4 can't get it through the bank, have you been able to
5 get it through some of the provincial corporations
6 operated by the Government of Ontario?

7 CHIEF WILSON: Yes. I'll give you an
8 example. I work with three bands. We just put a
9 shopping mall in Fort Frances and we went through that
10 BDV for the financing of that, but I think until just
11 recently provincial resources were not available to
12 Indian bands.

13 In fact, there's still some limitations
14 to that because we are on Indian lands and I think the
15 province feels that they're the responsibility of the
16 federal government.

17 To a certain degree I think that I agree
18 with that but, at the same time, if you're utilizing a
19 resource that is going to benefit, then I think that
20 one should look at it differently.

21 I think because of the Indian Act we do
22 have some restrictions in there, but I think you can
23 get around, I think what Francis alluded to, there are
24 opportunities depending on the project you're working
25 on.

1 MADAM CHAIR: Excuse me, Chief Wilson.

2 The sorts of forestry projects that the IFDP has looked
3 into are activities such as silviculture, the many
4 different activities that fall under silviculture, are
5 they as capital intensive as logging; in other words,
6 is there a higher labour component to tree thinning,
7 planting and so forth as opposed to the capital
8 expenditures you would need for skidders if you were
9 going to do clearcutting, that sort of thing?

10 CHIEF WILSON: Okay. Let me try and
11 tackle your question in two areas. One is in the
12 silviculture area. Through the -- I guess through the
13 efforts of IFDP and being able to understand, when we
14 first opened the doors of IFDP about silviculture and
15 about forest management, we almost had to go to the
16 doors of the communities and try and explain what
17 silviculture meant because nobody ever heard of that.
18 Nature did it.

19 And now we can't meet that demand, the
20 demand is a lot greater than what it is. Communities
21 are starting to realize that they're going to -- they
22 have to do something about it, okay.

23 But from that there comes -- although
24 mechanically in preparation of the lands, we have
25 farmed that out, we don't have the equipment ourselves

1 but there's an opportunity there.

2 Second of all, then there's the tree
3 planting, then there's the tending, hand tending. We
4 have another word for it.

5 So there is those opportunities and there
6 has been -- if we're talking about professionalism
7 there, I think we've developed some professional tree
8 planters and hand tenders, yet at the same time we're
9 not able to compete on the Crown land areas because
10 it's already taken up by someone else and independent
11 operator or MNR themselves, the only time they come to
12 Indian country is when they can't find somebody else.

13 So there is various opportunities in that
14 area. There are various opportunities in many, many
15 other areas.

16 MADAM CHAIR: Thank you, Chief Wilson.

17 MR. MARTEL: Well, are there less Indian
18 people working today, in your opinion, in the forests
19 because the contracts, for example, for regeneration
20 are going to contractors, or are there fewer Indian
21 people who are trained for firefighting because you're
22 not getting those jobs than, let's say, 15, 20 years
23 ago?

24 CHIEF WILSON: Yes. I'm just going to
25 give you the example from my community, okay. At one

1 time 80 per cent of our community would be going out to
2 cut wood, say, from the first of May til -- it
3 sometimes lasted until -- right to Christmastime or, I
4 mean, to break-up or freeze-up, and then they would
5 start up again after that there and then go for the
6 winter, okay.

7 So many times in our community our
8 community was almost bare with people because they were
9 going out, they had to travel out and stay in camps.

10 When the new laws kicked in where you had
11 to have certain standards for -- to be able to meet
12 that, the Indian contractors who had these things could
13 not compete any more nor could they compete because of
14 the laws, and the other thing was unionization took
15 place and we had a lot of experienced union loggers.

16 When tree planting first came in where
17 they needed labour, the first people that they
18 thought of - I guess because they could withstand some
19 of the mosquito bites and wood tick bites and et
20 cetera - they did look at the Indians and then, again,
21 the same thing happened; larger organizations came in,
22 the first people to lose the jobs was the original
23 people of the country.

24 MADAM CHAIR: Excuse me, chief Wilson,
25 were you talking about new laws are you referring

1 specifically to unionization?

2 CHIEF WILSON: Labour standards.

3 MADAM CHAIR: Labour standards, all
4 right.

5 CHIEF WILSON: I'll give you an example.

6 I have a friend, a friend of mine who plants about
7 3-million trees and brings in the Indian people from
8 the north.

9 Now, here are people who lives in tents
10 most of the year, including wintertime, who has been
11 accustomed to that kind of living, yet at the same time
12 when we look at various standards that is applied in
13 Ontario, these people cannot live in that because we
14 have standards, you have to -- you can't have a gas can
15 50 feet away -- you've got to have a gas can 50 feet
16 away from you. These people live there, this is how
17 they live.

18 You've got to have a washroom that has a
19 deodorizer or whatever, you know, and what do you do
20 with these things, you only use them for two or three
21 weeks of the year.

22 Again, these people when they come into
23 this kind of situation and are not exposed to those
24 kinds of laws. Yet this person is able and wants to
25 hire Indian people and cannot hire them because of

1 those things.

2 MADAM CHAIR: But they hire someone else?

3 CHIEF WILSON: Oh, yes.

4 MADAM CHAIR: And how can they hire
5 someone else if --

6 CHIEF WILSON: Well, they'll bring them
7 in from the cities. I was just travelling back to
8 Toronto and two ladies who are a little darker than I
9 was came to Fort Frances to plant trees could not stand
10 it, but they're picking them up off the streets in Fort
11 Frances in Toronto or wherever else and bringing them
12 in.

13 MADAM CHAIR: But are you saying that --

14 CHIEF WILSON: I can't understand why
15 they're doing what we could do.

16 MADAM CHAIR: Are you saying the labour
17 standards are in force to prevent Native peoples from
18 working in these situations but they are not enforced
19 to prevent people from the south working in the same
20 situations?

21 CHIEF WILSON: I don't think the law
22 is -- I don't think the law is designed in that way,
23 the application or the interpretation by whomever, and
24 if you wanted to interpret it that way for your benefit
25 or your convenience, yes.

1 MADAM CHAIR: If people are hired from
2 outside Native communities are they paid less money
3 than your people would be?

4 CHIEF WILSON: I have no stats on that.

5 MADAM CHAIR: Mr. Colborne, I'm having a
6 problem. I don't understand. What the situation --
7 are we dealing with a situation where -- I guess I
8 don't understand where labour standards come into play
9 in preventing people from Treaty 3 --

10 MR. COLBORNE: I will ask a couple of
11 more questions.

12 MR. MARTEL: Well, maybe I could ask a
13 question?

14 MR. COLBORNE: Certainly.

15 MR. MARTEL: Is it because the companies
16 that are doing the hiring prefer to hire young people
17 from university in the States -- in southern Ontario as
18 opposed to hiring Indian people from the north?

19 I mean, I'm having difficulty. I have
20 been through the labour standards many times and I'm
21 having some difficulty understanding how the labour
22 force code could affect the hiring.

23 Is it really a case of those companies
24 who now gain these contracts from MNR, there's no
25 stipulations: Well, for example, you must hire 50 per

1 cent Indian people or it's just easier to hire white
2 people?

3 MR. COLBORNE: Maybe I can ask the
4 witnesses.

5 Q. Mr. Kavanaugh?

6 MR. KAVANAUGH: A. Maybe I can provide
7 another scenario.

8 MR. MARTEL: Help us.

9 MR. KAVANAUGH: In the early years when
10 MNR was still known as Lands and Forests, Sioux Narrows
11 used to have -- I don't know if they still hold those
12 district competitions for fire fighting. Sioux Narrows
13 used to be district champion. They always used to win
14 these district competitions as well.

15 They used to hold something, I think it
16 was all Ontario, and frequently they came back with top
17 honours. You know, they had proven themselves to be
18 competent firefighters and these were people from my
19 reserve and these people are responsible people, they
20 are reliable, they were there when needed, you know,
21 they were shipped out to forest fires and sometimes six
22 weeks, eight weeks at a time they stayed there.

23 One by one for some reason, I don't know
24 what the policy was, but they started bringing in
25 university students and our people, you know, started

1 to get letters that we wouldn't be needing you this
2 coming fire season, we were employing someone else.
3 People that have never stepped a foot on a reserve --
4 in the bush, you know. Why was that?

5 I don't know what kind of policy there
6 was, but now you don't have no Indian working in MNR in
7 Sioux Narrows. You can go back and look up, you know,
8 what I just said.

9 MADAM CHAIR: So is it your evidence, Mr.
10 Kavanaugh, that you don't know why native peoples have
11 been replaced but that has happened and you see that
12 certainly in fire fighting?

13 MR. KAVANAUGH: Yes.

14 MADAM CHAIR: And tree planting?

15 MR. KAVANAUGH: Mm-hmm.

16 MADAM CHAIR: All right. Thank you.

17 MR. COLBORNE: Q. Chief Wilson, did you
18 want to add something.

19 CHIEF WILSON: A. I am trying to
20 understand as well why that has taken place, so given
21 the opportunity at some later time we will talk with
22 MNR or the various contractor or whoever it is.

23 If one was to look at it and say: Okay,
24 MNR is going to demand through their policy that there
25 are certain areas that silviculture work needs to be

1 done or a private company such as Boise Cascade or
2 whatever, they will hire someone else that can manage
3 and may contract that out to a private company.

4 The private company does not come
5 knocking on Indian doors. It works with the employment
6 agency's doors which is either through immigration or
7 private employment agencies. Many of these private
8 employment agencies are in the cities. So that's sort
9 of the communication that happens. Okay.

10 The companies, again, either the private
11 or the company that's in charge, like Boise Cascade,
12 had stipulations in saying you have to find local help.
13 There are Indian people up here, we do have Indians
14 that work or they have worked for us or MNR. That same
15 policy should apply. Then we would have some point to
16 compete for those jobs.

17 The second part to that, we have been
18 doing it long enough. Why can't we take those
19 contracts on?

20 MR. MARTEL: Yes, I think that that puts
21 it into the type of perspective I thought was there as
22 opposed to the labour standard.

23 CHIEF WILSON: I just want to say
24 something else on the labour standards. Many of the
25 companies -- they will say: Okay, here is what you

1 need. I need you to have safety toe boots, I need you
2 to have these kind of gloves or these kind of hats or
3 these kind of glasses or these kind of whatever, okay,
4 and here is an Indian fellow who has been living in
5 that country without any of those things, still walks
6 in moccasins and doesn't need all the aspirins or
7 repellent to shoo away whatever you call them and
8 doesn't have the protective gear that labour standards
9 require, nor does it understand why they have to have a
10 gas can 50 feet away from its door when its boat is 10
11 feet away from its door.

12 You can understand that they have to have
13 their washroom, they have to have -- I mean, they will
14 walk a mile in the bush before they do so. There are
15 these things. Well, when they are handed all these
16 regulations it scares the heck out of them. Why should
17 I go through all of this, you know.

18 MADAM CHAIR: That's a clarification I
19 didn't understand, a point you were making before.
20 Thanks, Chief Wilson.

21 CHIEF WILSON: Let me do it and I will
22 tell them.

23 MR. COLBORNE: Okay.

24 Q. Mr. Seymour, it has taken a while to
25 get to you in connection with this series of questions,

1 but I basically want to ask you the same thing about
2 Rat Portage.

3 You have said that the good forest is not
4 in this immediate vicinity anymore because we are near
5 town here and you have also said that the game and fish
6 resource is pretty exploited right near the town of
7 Kenora, but notwithstanding that, what obstacles, if
8 any, are there that stands between the people of Rat
9 Portage and gaining a benefit from the forest resources
10 that are there?

11 MR. SEYMOUR: A. Well, back in '86 we
12 did a course on logging. We hired nine of our own
13 people with regards to cutting. We have in the area
14 120 acres within our territory. The guys did good
15 within the safety equipment and with the safety
16 standards. They had a standard of cutting, proper
17 maintenance of skidder operations which was new to our
18 younger guys.

19 Once that course was done, it was a
20 10-week course, there was no jobs out there. Basically
21 the old veterans had their jobs and made a name already
22 for themselves. The course was just a make-work
23 program. The guys were unemployed. They were mostly
24 on the welfare system and UIC.

25 In regards to the fishing. We did have a

1 lot of -- well, there wasn't that much commercial
2 fishing and the way the licences were given was that
3 they were given to the non-native people first and then
4 after they were fished out they given to the native
5 people and said that is your area now. Our people
6 would be complaining there is no fish there and MNR
7 says: Well, there you go, you are fishing them all
8 out.

9 So we were being treated as the ones
10 taking advantage of nature, but we are not. We are
11 trying to survive on a system that's already developed
12 by a European system which is taking it and blaming it
13 on somebody.

14 Community development, we see the way the
15 European system is growing in regard to nature. So we
16 have to redevelop ourselves within office work, within
17 business to think like the Europeans, but we will not
18 forget who we are. What I mean by thinking like
19 Europeans, by the business, going into business such as
20 the marina we have, businessman for a tourist
21 attraction, we live sort of close within the
22 non-natives and we have to develop these to survive,
23 yet keep our identity strong.

24 Q. I would like to now ask again using
25 the five members of the Indian communities on the panel

1 to use their own home communities as somewhat
2 representative examples and the question or questions
3 would be about jobs.

4 I would like you just for purposes of
5 creating a general picture of what it is like on the
6 reserve, I would like you to tell the Board what are
7 the good jobs in the vicinity of your reserves and
8 whether Indian have any of those and, if so, what they
9 are.

10 Just so I don't ask too many questions,
11 but instead listen to you, what obstacles are there
12 towards getting these jobs and if you could try to
13 focus on the forest industry, but you don't have to
14 restrict your comments exclusively to the forest
15 industry.

16 So, Mr. Watts, could we start with you
17 again. What is the job situation in the area of the
18 Wabigoon Reserve?

19 MR. WATTS: A. The job situation, eh? I
20 think we are about 80 per cent unemployed on the
21 reserve. Jobs that are within the community itself
22 comes out of the Band office, chief, two councillors, a
23 welfare administrative which is kept very busy and the
24 school has four employees I think.

25 Q. You are not far from Dryden; is that

1 right?

2 A. Yes, Dryden has good jobs there.

3 Q. What are the main employers in terms
4 of the good jobs in Dryden?

5 A. Great Lakes is the biggest employer
6 in Dryden. As far as I know there is no employees in
7 the reserve.

8 Q. Okay. What would stand in the way of
9 people from the reserve working for Great Lakes in
10 Dryden?

11 A. I'm not sure. There is a few living
12 on the reserve that they employ in the wood industry.
13 I think it has to do with the belief that the
14 clearcutting method has to -- I think it has to do with
15 that.

16 Q. I didn't hear that exactly. Belief
17 and the clearcutting method, is that what you said?

18 A. See, a lot of the Indian people don't
19 believe in clearcutting timber that are not matured.
20 So knocking them down to make way for the big trees and
21 wastage, but the company has a policy that you have to
22 cut the whole area.

23 I myself worked for Great Lakes at one
24 time and I was told to cut timber that were no bigger
25 than this glass. I didn't agree with it, but still I

1 had to do it otherwise I would get fired if I didn't do
2 that. I would ask why not those over there across the
3 road, they'd say: No, that's for next year. First all
4 of these have to go.

5 So I think Indian people are more closer
6 to the land, feel for the trees sort to speak and those
7 white people don't have that. They are just trees and
8 trees don't vote. That's what I have been told, trees
9 don't vote, they have no say in this country, but I
10 wonder what they use for ballots.

11 Q. Okay. Mr. Watts, go ahead and add
12 anything more if you like, but I will turn to Mr.
13 Carpenter now.

14 What are the good jobs in the Lac Seul
15 area and you can include Sioux Lookout with that.
16 Sioux Lookout would be the closest --

17 MR. CARPENTER: A. Mm-hmm. I guess in
18 terms of employment on the reserve, we have
19 approximately -- I would say in the vicinity of 70 per
20 cent unemployed on the reserve. We have about 15 per
21 cent employment on the reserve and of course we have
22 some handicapped people that wouldn't really count as
23 being employable. So that's how I arrived at my
24 hundred per cent.

25 I know my way of thinking is always a

1 little different than a white man because he has
2 different ways of figuring things out, but that doesn't
3 mean I am ignorant. I look at things a little
4 differently, on a broader perspective.

5 As far as good employment opportunities
6 are concerned, for anybody outside on the reserve in
7 the Town of Sioux Lookout, we have some Band members
8 that work in the Town of Sioux Lookout, we have a few
9 that work at the Indian hospital, the Zone Hospital, we
10 have a dental assistant and we have some office workers
11 as well.

12 We have two that work for the MNR; one is
13 full time and the other is seasonal, summer employment.
14 I don't think we have any that work for the Canadian
15 National Railways. Maybe there are some in the distant
16 parts of the country that are Lac Seul members that
17 work for the Canadian National Railways. We have also
18 some men, I think we have 17 that work at McKenzie
19 Forest Products.

20 Q. That's a sawmill at Hudson?

21 A. That's a sawmill at Hudson. I think
22 we have one that works at Great Lakes Paper. I'm not
23 sure if he works there. He used to work there at one
24 time.

25 We have a few that work as guides,

1 tourist guides in Ear Falls and Sioux Lookout and we
2 have some that live in Winnipeg. I'm not sure what
3 kind of jobs they hold.

4 Q. Lac Seul is pretty large in terms of
5 population compared to other Treaty 3 communities; is
6 that not correct?

7 A. That's correct.

8 Q. So what are the obstacles, if any,
9 that you would want to mention that stand in the way of
10 this large number of Lac Seul members who can't have
11 good jobs or don't have any jobs at all?

12 A. Well, I think one that stands in the
13 way is the education level is just not there. We are
14 talking about the older generation that went through
15 residential schooling. I'm one that went through that
16 residential school and I certainly have many bitter
17 memories about it.

18 To this day I can never really accept why
19 I had to pronounce words with a certain accent. I can
20 recall many times being slapped over the head because I
21 didn't pronounce the words right.

22 Now, when you start travelling around the
23 country, if the English language is as mighty that they
24 think it is, why don't they force the rest of the
25 English speaking people to pronounce the words the same

1 universally?

2 You can go down to the United States and
3 their accent is different. Very different. I called a
4 missionary one time that used to be in Lac Seul and
5 went back to England and I tried to get ahold of him
6 because my dad had passed away and he was such a good
7 friend to my dad, and I had a heck of a time trying to
8 get my information with the operator in Slough, England
9 because they are accent was so different than mine.
10 Again, different from what I was taught in school. Why
11 is it so different?

12 So I finally got ahold of this guy --
13 pardon me, I didn't get ahold of him. He came back
14 about a year later. He came up and made sure he made a
15 visit to my place, he wanted to see some people and I
16 was telling him, I said: I had a heck of a time in
17 Slough, England because of this operator. I told him
18 that she had such a different accent than what I had.
19 Roy, he says, she is speaking English the way it is
20 supposed to be spoken. Now, that wasn't what I was
21 taught in school.

22 Damn, you know, it gets mind boggling
23 sometimes and then you can go to the hill billies in
24 the United States and they certainly talk a little
25 different than we do as opposed to that. You know, I

1 think that's to me is just unhumane. If you speak
2 Italian, I accept that or whatever.

3 Q. Okay. So education is one of the
4 things. Is there --

5 A. Education, training and, again, I
6 guess basically they try to run everything their own
7 way, you know, sort of speak. The only system in the
8 world is to do it the European way.

9 I worked as a cutter, as well as a
10 skidder operator for Great Lakes Paper, Ried, also for
11 Ontario/Minnesota Pulp and Paper which later became
12 Boise Cascade. I went to Ontario/Minnesota Pulp and
13 Paper and at that time there was hardly any Indians
14 there. I think there was only one or two Indian
15 employees there and I was the third.

16 The second day that I worked there
17 everyone noticed me. The third day everyone started
18 talking about me: Where did this guy come from. He is
19 the top guy in our camp, production is high. Prior to
20 that I worked for Dryden Paper, Ried. I used to be
21 called 25 per cent; 25 per cent of production came from
22 me in our little camp there, yet I didn't do the
23 standard that the white people wanted to. I had my way
24 of doing things.

25 Some years later, again just to reiterate

1 what Rocky was just saying and any one of these
2 witnesses that we have here, is this training that you
3 have to have in order to be qualified for something.
4 It's good in a way, but it doesn't always -- it isn't
5 always necessary to have that piece of paper saying
6 that you can put out fire. Technically all you need is
7 water.

8 The big question is: How to look after
9 yourself when you go into fire. I have been privileged
10 enough to be a crew boss on the fires. I have had some
11 young people and I always took time to instruct them,
12 things to look out for so that they could go back to
13 our site safely in the evening, on-hand experience and
14 telling that individual what to look out for. I found
15 a lot of things, they said use all our senses: Use
16 your sight, your smell and your hearing and you will be
17 all right.

18 Q. Just, by the way, I don't want to
19 interrupt you, but did you get a piece of paper saying
20 you were qualified to fight fires?

21 A. Yes.

22 Q. How did you get that?

23 A. First, I got one back in the early
24 60s and became obsolete. I got another one, another
25 update when I was with Ried and that has become

1 obsolete and I had one which currently I think expires
2 September of this year.

3 Q. When it expires, does that mean you
4 wouldn't know how to fire anymore?

5 A. That's right. In the eyes of the MNR
6 that's the way they looked at it. If you have an
7 active list of fire fighters my name is on there.

8 Q. So you have to keep going back and
9 getting your paper updated?

10 A. Mmm-hmm.

11 Q. Do you agree with that?

12 A. I don't agree with it.

13 Q. Do you have a piece of paper that
14 says that you know how to be a pulp cutter?

15 A. I have that.

16 Q. When does that expire?

17 A. This will expire some time -- in a
18 couple of years I think.

19 Q. When it expires, what does it stop
20 you from doing?

21 A. I can't work any place.

22 Q. Who gives you this piece of paper?

23 A. The forest provincial -- what do you
24 call that?

25 MR. WATTS: A. The Department of

1 Labour.

2 MR. CARPENTER: A. The department of
3 Labour.

4 Q. So God forbid, but if I walked into
5 this bush camp and said I want to cut timber, they are
6 going to say: We can't even look at you because you
7 don't have a piece of paper? Is that the way it works?

8 A. That's the way it works.

9 MR. MARTEL: Just think what would happen
10 to your law degree.

11 MR. COLBORNE: Just think what would
12 happen to the more important parts of me.

13 MR. WATTS: It just came in recently that
14 you have to be certified as the number of people
15 cutting wood. I have a piece of paper says I can
16 instruct but nobody is member.

17 So I sort of laugh, I'm doing this all my
18 life, cutting wood, but now Department of Labour can go
19 into Wabigoon cutting area and kick people out or take
20 them to court or put them in jail, whatever they want
21 to do, if they don't have this piece of paper.

22 MR. COLBORNE: Q. Is that a problem for
23 people who don't have ordinary educations like through
24 the system that I went through, for instance, getting
25 that paper?

1 MR. WATTS: A. No, no, it's not, it's
2 just procedure. What Roy is saying, everything is
3 designed for somebody else, not for Native people,
4 never asked about anything. I think the Indian Act
5 wouldn't exist if people were asked about it.

6 Q. I'm not sure I understand the answer.

7 A. But Native people never asked about
8 anything like this. Department of Labour think you
9 have got to have a piece of paper to cut wood. Native
10 people were never asked about that.

11 Talking about differences. In line with
12 what Roy is saying, he missed one group that speak
13 differently is politicians of Ottawa and nobody has any
14 clue what they're saying. I never know what they're
15 saying anyhow, what they're trying to say.

16 MR. FREIDIN: Neither do I, Mr. Watts.

17 MADAM CHAIR: You're probably not alone,
18 Mr. Watts.

19 MR. COLBORNE: Q. Well, let me turn the
20 question to the only politician on the panel, because
21 Chief Willie Wilson who is elected, as well as a number
22 of other things.

23 I just wanted you to touch on the same
24 topic, if you would please, Chief Wilson, jobs and
25 barriers to jobs for your own home community,

1 especially focussing on forestry.

2 CHIEF WILSON: A. Well, I just went
3 through an ironic situation which I didn't know about
4 and I'm talking about one of our closest reserves and,
5 again, certification.

6 Here's a group of Indian people who have
7 been trapping all their lives, now all of a sudden have
8 to have certification, and if they wanted a trap line,
9 if they didn't have that certification -- they had this
10 system in order for you to get this certification.

11 Here's an Indian who had been a trapper
12 all his life, doesn't know anything else, doesn't know
13 how to cut pulp, doesn't know how to do accounting or
14 do any other kind of service industry, he's a trapper
15 all of his life and he's going to try and get a trap
16 line so he can keep his family alive and he can't get a
17 trap line because of that, because of this system, this
18 point system that MNR has created, and that's beyond
19 me. Anyway I wanted to say that.

20 You asked a question, what are the jobs
21 around? Well --

22 Q. Can I just break in. I'm sorry, I
23 wanted to stick with that for a second.

24 Do you need to have gone to school, do
25 you need to be very capable in terms of written or

1 spoken English to get that trapper's certification
2 you're talking about?

3 A. It is my understanding, to be
4 recognized as a trapper by Ministry of Natural
5 Resources there -- it's a point system, okay, and I you
6 have to go -- through a process, you have to learn how
7 to be a helper, et cetera, even though, I mean, that
8 was life, that's how you learned how to survive, it's
9 not how you make your living, or how do you make
10 your -- how you make your living.

11 The point I think that is there, the
12 point I'm trying to make is that now that certification
13 has come in it certainly eliminates the opportunities
14 that Indian people have, even though they may have been
15 a trapper previously, does not have the same
16 opportunity, it's the people who have the knowledge of
17 the bureaucracy and knowledge to be able to go and
18 write some sort of test that tells you that you're a
19 trapper.

20 Now, you can learn that from the books
21 and you can learn how to be a trapper -- if that's the
22 system you're using, you can learn how to be a trapper
23 without even going out there to catch an animal. You
24 have got all these books, okay.

25 And here's this person who knows how to

1 read and write and doesn't he know a dam thing about-
2 anything else and he learned everything by the computer
3 or by the book can get this certification, and here's a
4 person -- and versus a person who has lived his life
5 out of the bush, understands what these tracks mean,
6 where it's going to be and understands sustainable
7 trapping or living of taking or exacting of wild
8 animals for the purpose of keeping yourself alive.

9 MR. MARTEL: And your people have to
10 write the exam?

11 CHIEF WILSON: Oh yes.

12 MR. MARTEL: They have to write it?

13 CHIEF WILSON: Oh yes.

14 MR. MARTEL: In what language?

15 CHIEF WILSON: English.

16 MADAM CHAIR: Excuse me, Chief Wilson,
17 the evidence we've had before at the hearing is that
18 Indian people do not have to write an exam, they can
19 take an oral exam if they want in their own language.

20 CHIEF WILSON: If they're going to take
21 an oral exam who is going to be there to interpret it;
22 is it going to be another Indian?

23 So what I'm trying to say to you, if
24 you're going to have the language, if you don't
25 understand the language, how do you understand what

1 that person says unless it's through interpretation,
2 then it's your interpretation of that individual, if
3 that is -- because word for word does not work.

4 MADAM CHAIR: No, but presumably an oral
5 examination would be conducted by someone who would
6 speak Oji-Cree or whatever the person wanted to speak.

7 CHIEF WILSON: I'm hoping that during
8 your hearings that you will have one individual who has
9 applied who will come to you in this hearing and will
10 explain his situation what happened to him.

11 MR. MARTEL: But what's worrying me,
12 Chief Wilson, is that surely it's not beyond MNR's
13 capacity to hire an Indian person to administer the
14 oral test so that your own people are in fact judging
15 your capacity.

16 I mean, we have a lot of -- in the white
17 community we have a lot of oral testing too and I used
18 to get them for --

19 CHIEF WILSON: If he's a lawmaker, then
20 you are the judge.

21 MR. MARTEL: Again, I'm missing you then,
22 because I was able to get tests for people to take
23 mechanicals who couldn't read but were very good,
24 skillful with their hands, and I was able to get tests
25 for them to become a class mechanic because they could

1 take an oral test with someone who was competent from
2 the Ministry of Colleges and Universities.

3 Because as an old teacher I used to be
4 offended that somebody who was good with his hands, who
5 could repair a car far better than me couldn't get --
6 simply because he couldn't write an exam couldn't make
7 a living, and we were able to get skilled people doing
8 oral exams.

9 And surely that's where the direction I
10 would hope that MNR is moving, that Indian people
11 should not have to even try to do it in English, but
12 the people judging it would be your own people.

13 That whatever the questions MNR wanted to
14 ask, your own people would be determining whether they
15 had the capacity to -- and that shouldn't be a problem.

16 CHIEF WILSON: Okay. I guess --

17 MR. MARTEL: Now, you might be a little
18 suspicious of some people, and I understand that.

19 CHIEF WILSON: Okay. I guess I'm not
20 arguing with your philosophy there, I think to a
21 certain degree I agree with it, but what I'm saying is
22 if an Indian person who has been a trapper all his life
23 and has known that it has trapped, okay, then why does
24 this person have to go through this whole process in
25 order to get a trap line?

1 MR. MARTEL: I can understand that
2 concern, but the only thing I was asking -- because the
3 evidence we had before us was that you didn't have to
4 write the exam.

5 That's what was worrying me, you see,
6 whether you have to write it. Yours is a different
7 question.

8 CHIEF WILSON: You also have this point
9 system. Even though you maybe know that you have been
10 a trapper, okay, but unless there's this point system
11 you can be an Indian trapper and still not get the trap
12 line.

13 MR. MARTEL: Can you give me an example
14 of how that could happen, and just clarify it for me so
15 I can understand.

16 CHIEF WILSON: Okay. My understanding is
17 that -- wait, I need to have a cigarette or something.

18 MR. COLBORNE: Just while --

19 MR. MARTEL: Take your time. Don't
20 worry.

21 MR. COLBORNE: Chief Wilson, can have a
22 sip of water, because I think he was asking me to tell
23 you whether we were going to have a certain witness,
24 and I do have that information.

25 MR. MARTEL: Yes.

1 MR. COLBORNE: I think that the witness
2 that Chief Wilson is referring to is Chief Steve
3 Jourdain from the Lack la Croix band and he will be a
4 witness here, barring unforeseen developments, and so
5 he will tell you his own -- and I can't describe it as
6 anything but a horror story.

7 MR. MARTEL: All right. That's what I
8 want -- I think my colleague and I want to get
9 straighten out, because the evidence that you're aware
10 that we heard is that you don't have to take a test in
11 anything. I think I'm right in saying it could be in
12 their own language if need be. I think that's the
13 evidence we have from many moons ago, if I can use that
14 term.

15 MADAM CHAIR: The evidence we also have
16 about trapping is that instead of doing course work,
17 instead of learning from a book, you can go out on a
18 trap line with an experienced trapper.

19 You might just put the Board's questions
20 to your witness and that's the sort of thing we're
21 interested in knowing.

22 MR. COLBORNE: Very well. I think
23 through Chief Jourdain we will have the actual point
24 system -- the trapper's point system that has probably
25 been referred to here more than once, as well as his

1 own experience with attempting to obtain a replacement
2 trap line when his was cut over.

3 MADAM CHAIR: Mr. Colborne, it's twenty
4 after five. Is this a convenient place to stop this
5 evening, or did you want to go on a bit longer this
6 evening, or should we start at nine o'clock tomorrow
7 morning?

8 MR. COLBORNE: I think this is a
9 convenient place to stop.

10 MADAM CHAIR: All right.

11 MR. MARTEL: Let Chief Wilson get his
12 breath.

13 CHIEF WILSON: It's a gift from Finland.

14 MADAM CHAIR: Thank you very much,
15 gentlemen. And we will reconvene tomorrow morning at
16 nine o'clock.

17 Thank you.

18 ---Whereupon the hearing was adjourned at 5:20 p.m., to
19 be reconvened on Tuesday, May 28th, 1991, commencing
at 9:00 a.m.
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